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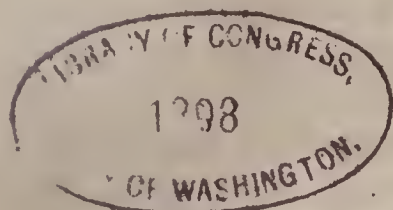
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U. S. Congress. House, Committee on Territories
Majority and minority reports on the
constitution of Kansas...

KANSAS.

[To accompany Bill H. R. No. 23]



MARCH 29, 1860.

Mr. GROW, from the Committee on Territories, made the following

REPORT.

The committee on Territories, to whom were referred the Constitution adopted by the people of Kansas on the 4th day of October, A. D. 1859, and the memorial of the convention praying Congress to admit Kansas as a State into the confederacy, having had the same under consideration, beg leave to submit the following report:

Article 1st of the amendments to the Constitution guarantees "*the right of the people peaceably to assemble and to petition the government for a redress of grievances.*" The Constitution being the supreme law of the land, this right of the people cannot be restricted or impaired in any manner by any action of Congress. The people of a Territory have, therefore, the right at all times peaceably to assemble and to petition for a redress of grievances. If the grievance complained of be the territorial organization, they may accompany their petition for its abrogation with a specification of the kind of government or the form of redress desired. This is their right, whether authorized by any previous act of Congress or not.

Such was the doctrine affirmed during President Jackson's administration in the decision of the Attorney General transmitting instructions to the governor of Arkansas, who was disposed to prevent the formation of a constitution by the people without a previous act of Congress for that purpose. In these instructions, given by direction of the President September 21, 1835, referring to the right of the people to act without such authority, he says:

"They undoubtedly possess the ordinary privileges and immunities of citizens of the United States. Among these is the right of the people peaceably to assemble and to petition the government for the redress of grievances. In the exercise of this right, the inhabitants of Arkansas may peaceably meet together in primary assembly, or in convention chosen by such assemblies, for the purpose of petitioning Congress to abrogate the territorial government, and to admit them into the Union as an independent State.

"The particular form which they may give to their petition cannot

be material so long as they confine themselves to the mere right of petitioning, and conduct all their proceedings in a peaceable manner.

“And as the power of Congress over the whole subject is plenary and unlimited, they may accept any constitution formed, which in their judgment, meets the sense of the people to be affected by it.

“If, therefore, the citizens of Arkansas think proper to accompany their petition by a written constitution, formed and agreed upon by them in primary assemblies, or by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so.”

Under this doctrine, which is only an enforcement of one of the guarantees of the Constitution, and is in accordance with the uniform practice of the government for more than half a century, the people of any Territory may at any time petition Congress for admission into the Union as a State. An inquiry into the manner of the formation of the constitution of a proposed State is of no importance, save as a means of ascertaining whether it meets the sense of the people to be affected by it. Enabling acts by Congress, or any other acts *preliminary to the ratification of a constitution by the people*, are therefore important only as a means of authenticating the will of the people, or of proving the genuineness of their petition.

Of the twenty States added to the Union since the adoption of the federal Constitution, eleven have been admitted without any previous act of Congress authorizing the formation of a constitution. Six of these formed their constitutions and State governments in pursuance of laws emanating from their respective territorial legislatures. Following these precedents, the people of Kansas present their petition, accompanied by a constitution formed in pursuance of an act of the territorial legislature, approved by the governor on the 11th day of February, A. D. 1859, and ratified and adopted by the people at an election held for that purpose, as required by said law, on the first Tuesday of October last.

Your committee, regarding the right of the people of a Territory peaceably to assemble and form for themselves a constitution and State government to be presented as their petition to Congress as one of the guarantees of the Constitution, cannot regard any condition imposed by Congress attempting to impair the exercise of that right as valid or binding, either upon the people themselves or a subsequent Congress. If such a condition could be imposed, then the people could be deprived of a right secured in the Constitution itself, so long as Congress should refuse or neglect to remove such condition.

As in this case, should it be claimed that until a certain population shall be ascertained by a legal census, no application for admission of the State into the Union is to be received, then the people of Kansas could be excluded so long as Congress should neglect or prevent the taking of a census. Such a doctrine would enable a majority of Congress to nullify at will any of the guarantees of the Constitution. The people of Kansas, therefore, in presenting their application for admission as a State into the Union, have done nothing but what they have an undoubted right to do under the Constitution; and it is for Con-

gress to make such disposition of it as shall seem to them to be just and proper.

By article 4th, section 3d, of the Constitution, "*new States may be admitted by the Congress into this Union.*" The power of Congress over this whole subject is, therefore, plenary and unlimited. The acceptance or rejection of a petition for the admission of a State rests entirely in the discretion of Congress at the time of such application. The questions to be considered on such application are, the conformity of its organization to the requirements of the Constitution, the amount of its population, and whether the majority of the people desire to be admitted as a State under the constitution presented; if so, would the welfare of the people of the proposed State, and the general interests of the whole country, be promoted by its admission.

The first and most important of these inquiries is to determine whether the majority of the people to be affected by it desire such admission; for, however clearly the application may be the exercise of a constitutional right, it is nevertheless a mere petition, and unless approved by a majority of those upon whom it is to operate, the petition should not be granted.

In this case there can be no question but that the constitution presented meets the wishes of those who are to be affected by it, for it was adopted and ratified at a fair election held for that purpose, in which the whole people, without distinction of party, participated, by a majority of four thousand eight hundred and ninety-one in an aggregate vote of fifteen thousand nine hundred and fifty-one, being almost two to one in its favor, as appears by the official proclamation of the governor, which is hereto appended and made part of this report.

As to population, if there was any doubt on that point, your committee regard it as waved by the action of Congress. A majority of both houses, on the 13th day of April, A. D. 1858, declared by vote that there was sufficient population within the limits now proposed for Kansas to enable it to be admitted as a slave State; and certainly that *same* population increased by two years' immigration should be, in the judgment of your committee, sufficient for a free State, unless Congress proposes to establish one rule as to population for the admission of slave States, and another and a different one for free States.

Your committee, therefore, deem it unnecessary to inquire into the precise number of the present population of Kansas, for if under ordinary circumstances there could be any objections on that point, they have, so far as Kansas is concerned, been twice waived by the action of Congress. In addition to the instance just cited, the House of Representatives four years ago passed an act for the admission of the State; and the Senate passed an act for the immediate formation of a State government, in order to such admission, without regard to population. Since the first action of Congress the population has more than doubled, and has increased very largely since the last.

At the last session of Congress Oregon was admitted with a less population than that of Kansas. The largest vote ever polled at any election in Oregon previous to its admission was ten thousand one hundred and twenty-one, (10,121;) while the vote polled in Kansas on the adoption of this constitution, (and that, too, under a registry

law that required six months residence for the voter,) the aggregate vote polled, including the vote of the fifteen counties not officially returned, exceeded seventeen thousand, (17,000.)

Of the 237 congressional districts in the Union, there were, by the official returns of the last congressional election, one hundred and fifty-two (152) districts that polled each less than seventeen thousand (17,000) votes. So the legal vote of Kansas on the first Tuesday of April, A. D. 1859, exceeded that of any one of almost two-thirds of the congressional districts in the Union.

A territorial government being limited in the exercise of political powers, and the people thereof greatly restricted in their action, should be continued only so long as the necessities which give rise to it last. Whenever, therefore, the population becomes sufficiently numerous to maintain a government of their own, without imposing upon them excessive burdens of taxation, and they are desirous of taking upon themselves the responsibilities of a State government, why should not their request be granted, unless there are reasons of a general character affecting the whole country, and thus relieve them from a condition of territorial pupillage by restoring them to their rights of self-government, of which, from the necessities of the case, they have been partially deprived? For, during the existence of the territorial government, the people do not select their own rulers; nor can they legislate without being subjected to the supervision of the general government over their acts. Their governor is appointed by the President, with a veto power on all acts of the legislature, which neutralizes the votes of two-thirds of its members. The judges who construe the laws are also the appointees of the President. The people of a Territory, therefore, have no voice in the selection of its executive or judicial officers, for they all hold their positions at the will of the President. While the government of every independent people under our system is composed of three departments—the executive, the legislative, and the judicial—the people of a Territory have no voice or control in the selection or the management of either of these departments, save in the legislative; and even in this department an executive officer, wholly irresponsible to the people, controls, by his veto, two-thirds of the power of that. So the people of a Territory, even under the Kansas-Nebraska bill, are invested with only the one-third part of the powers of one of the three departments of their government. So long, then, as the people continue under a territorial organization as now constituted, they are clothed with only one-ninth part of the powers of their government, the balance being vested in the government of the United States.

Until the formation of a State government, this supervision results not only from the power vested in the general government by the Constitution itself, but to a great degree from the nature of a territorial government and the necessity of the case. The settlers of a new Territory, at the first feeble in numbers and widely separated, have to contend with the savage and the wild beast for the dominion of the wilderness, and are, for a time, not of sufficient numbers, strength, or wealth, to protect themselves alone against the uncivilized influences which surround them. Hence the general government es-

tablishes a temporary government, appoints its executive and judicial officers, prescribing their duties and limiting their jurisdiction ; pays the salaries and all the expenses of the legislature, fixing the number of its members and the duration of its sessions ; builds their roads and erects their public buildings, and, as a necessary consequence, must have a supervisory power over the government thus created. But this supervision should cease at the earliest practicable moment consistent with the general welfare and the protection of the frontier settlements.

In the case of Kansas, there can be no doubt that there is at this time sufficient population and wealth to maintain a firm government without excessive taxation upon its people ; so there can be no reason on that account for continuing longer the territorial organization.

If there was a uniform rule as to population for new States, and that of Kansas was less than the required number, yet the history of its territorial government and the circumstances surrounding its people from the time of their first settlement, would of themselves be sufficient to make their application for admission an exception to any general rule, even if such rule existed.

The government under which they have been forced to live began with a despotism cruel and bloody, established by armed usurpation, and marked in its continuance by the revolting atrocities which characterize savage warfare, emanating directly from the territorial organization, or supported and defended by those clothed with its authority.

As to the character of the territorial government imposed upon the people of Kansas, your committee beg leave to refer to the despatches of Governor Geary to the President, dated September 9, 1856, Executive Documents, 3d sess. 34th Cong., vol. 1, Pt. 1, pages 88 and 89, in which he says :

“ I find that I have not simply to contend against bands of armed ruffians and brigands, whose sole aim and end is assassination and robbery ; infatuated adherents and advocates of conflicting political sentiments and local institutions, and evil-disposed persons actuated by a desire to obtain elevated positions, but, worst of all, against the influence of men who have been placed in authority, and have employed all the destructive agents around them to promote their own personal interests at the sacrifice of every just, honorable, and lawful consideration.

“ I have barely time to give you a brief statement of facts as I find them. The town of Leavenworth is now in the hands of armed bodies of men, who, having been enrolled as militia, perpetrate outrages of the most atrocious character under the shadow of authority from the territorial government.

“ Within a few days these men have robbed and driven from their homes unoffending citizens, have fired upon and killed others in their own dwellings, and stolen horses and property, under the pretense of employing them in the public service. They have seized persons who had committed no offence, and, after stripping them of all their valuables, placed them on steamers and sent them out of the Territory.

* * * * *

“In isolated or country places no man’s life is safe. The roads are filled with armed robbers, and murders for mere plunder are of daily occurrence. Almost every farm-house is deserted, and no traveller has the temerity to venture upon the highways without an escort.”

In describing the condition of the Territory at the time of his arrival, in his farewell to the people of Kansas, (Senate Doc., 1st session 35th Congress, No. 17, p., 200,) he says :

“Desolation and ruin reigned on every hand ; homes and firesides were deserted ; the smoke of burning dwellings darkened the atmosphere ; women and children, driven from their habitations, wandered over the prairies and among the woodlands, or sought refuge and protection even among the Indian tribes.”

Such was the character of the government, and the condition of the people of Kansas, as described by an eye-witness in his official despatches to the President of the United States, at the very time that Congress, by reason of the disagreement of the Senate to the House bill admitting Kansas, refused to redress the wrongs of this people by supplanting their usurped territorial government by one of their own formation.

The people of Kansas again apply for admission as a State into this Union, with a voting population exceeding that of a majority of the congressional districts in the old States, and a representative population greater than that of either Florida or Oregon, and with an area of 80,000 square miles of territory, and undeveloped material resources of vast extent.

For five years the freemen of the nation have watched the progress of events in Kansas with an intensity of feeling seldom, if ever, equalled in the history of the country. For there they beheld for the first time during its existence an organized effort of the minority, by fraud and force, and armed invasion, sustained by the general government, to establish and perpetuate slavery against the will of the majority.

In order to give quiet to the whole country on this subject, remove an element of discord from the political arena, and restore to the people of Kansas their rights of self-government, we recommend their admission into the Union as a State, and herewith report a bill.

GALUSHA A. GROW.

JOHN J. PERRY.

DANIEL W. GOOCH.

CHARLES CASE.

HENRY WALDRON.

JAMES M. ASHLEY.

LAWS OF KANSAS, A. D. 1859.

CHAPTER 31.

AN ACT providing for the formation of a constitution and State government for the State of Kansas.

*Election fourth Monday in March, for or against the constitution.—
Who may vote, and form of ballot.*

Be it enacted by the governor and legislative assembly of the Territory of Kansas:

SECTION 1. That an election shall be holden in the several voting precincts in the Territory of Kansas on the fourth Monday of March, A. D. 1859, at which the qualified electors of the said Territory shall determine for or against the formation of a constitution and State government for the State of Kansas in the following manner, to wit: All legal voters under the provisions of this act, who may be in favor of the formation of a constitution and State government, shall be entitled to vote a written or printed ballot, inscribed "For a constitution;" and all legal voters as aforesaid, who may be opposed to the formation of a constitution and State government, shall be entitled to vote a written or printed ballot, inscribed "Against a constitution."

The governor to proclaim result; if against the constitution, law void.—If in favor, law in full force.

SEC. 2. That if, upon counting the returns of said election in the manner hereinafter prescribed, it shall be found that a majority of the legal voters of said Territory shall have voted "against" the formation of a constitution and State government, the governor of the Territory shall issue his proclamation in accordance with the facts, and that the remaining provisions of this act shall be inoperative and void; but if, upon counting the returns of said election in the manner hereinafter prescribed, it shall be found that a majority of the legal voters of said Territory shall have voted "for" the formation of a constitution and State government, the governor of the Territory shall issue his proclamation in accordance with the facts, and that the remaining provisions of this act shall remain in full force and effect.

Election for delegates on first Tuesday in June.

SEC. 3. That an election shall be holden on the first Tuesday of June, A. D. 1859, in the several voting precincts of the Territory of Kansas, for delegates to a convention to frame a constitution and State government for the State of Kansas.

Number of members, and their apportionment.

SEC. 4. That said convention shall be composed of fifty-two members, to be apportioned among the several districts of the Territory as

follows, to wit: the county of Leavenworth shall constitute the first district, and shall elect ten delegates; the county of Atchison shall constitute the second district, and shall elect three delegates; the county of Doniphan shall constitute the third district, and shall elect five delegates; the county of Brown shall constitute the fourth district, and shall elect one delegate; the county of Nemaha shall constitute the fifth district, and shall elect one delegate; the counties of Marshall, Washington, and Arapahoe shall constitute the sixth district, and shall elect one delegate; the county of Jefferson shall constitute the seventh district, and shall elect one delegate; the county of Calhoun shall constitute the eighth district, and shall elect one delegate; the county of Riley shall constitute the ninth district, and shall elect one delegate; the county of Pottawatomie shall constitute the tenth district, and shall elect one delegate; the county of Johnson shall constitute the eleventh district, and shall elect two delegates; the county of Douglas shall constitute the twelfth district, and shall elect seven delegates; the county of Shawnee shall constitute the thirteenth district, and shall elect three delegates; the counties of Richardson, Davis, Dickinson, and Clay shall constitute the fourteenth district, and shall elect one delegate; the county of Lykins shall constitute the fifteenth district, and shall elect two delegates; the county of Franklin shall constitute the sixteenth district, and shall elect one delegate; the counties of Weller, Breckinridge, and Wise shall constitute the seventeenth district, and shall elect two delegates; the county of Linn shall constitute the eighteenth district, and shall elect two delegates; the county of Anderson shall constitute the nineteenth district, and shall elect one delegate; the counties of Coffey and Woodson shall constitute the twentieth district, and shall elect two delegates; the counties of Madison, Butler, Hunter, Greenwood, Godfrey, and Wilson shall constitute the twenty-first district, and shall elect one delegate; the counties of Bourbon, McGhee, and Dorn shall constitute the twenty-second district, and shall elect two delegates; the county of Allen shall constitute the twenty-third district, and shall elect one delegate.

Where to assemble.

SEC. 5. That the delegates elected under the provisions of this act shall assemble at Wyandott on the first Tuesday of July, A. D. 1859, and shall proceed to frame a constitution and provide for the organization of a State government for the State of Kansas.

Submission of constitution.

SEC. 6. That on the first Tuesday of October, A. D. 1859, the constitution thus framed shall be submitted to a direct vote of the qualified electors of the Territory of Kansas for their ratification or rejection, in such manner and form as the said convention may prescribe.

Election of State officers.

SEC. 7. That in case the constitution, thus framed and submitted, shall be ratified by a majority of the electors of said Territory, then

an election shall be holden on the first Tuesday of December, A. D. 1859, at which State officers, members of the State legislature, judges, and all other officers provided for under said constitution shall be elected.

Transmission of ratified constitution to Congress.

SEC. 8. That it shall be the duty of said convention, in case said constitution shall be ratified by a majority of the electors voting at the aforesaid election, to provide for its transmission to the Congress of the United States, asking, by memorial or otherwise, for the admission of Kansas into the Union, under said constitution, as a sovereign and independent State.

Governor elect to proclaim admission into the Union, and convene legislature.

SEC. 9. That, upon official information having been by him received of the admission of Kansas into the Union as a State, it shall be the duty of the governor elect under said constitution to proclaim the same, and to convene the general assembly of the State of Kansas, and do all things else necessary to the complete and active organization of the State government.

All elections by ballot.

SEC. 10. That all the elections provided for by this act shall be by ballot.

Qualifications of voters.

SEC. 11. That all white male citizens of the United States, and all those who shall have declared, on oath, their intention to become such, and all male Indians who have been made citizens of the United States by treaty or otherwise, and who shall be over the age of twenty-one years, and who shall have been *bona fide* inhabitants of the Territory of Kansas for the period of six months next preceding each of the respective elections provided for by this act, and who shall have been *bona fide* inhabitants of the county in which they may offer to vote for ten days next preceding each of the respective elections aforesaid, and none others, shall be entitled to vote at the several elections hereinbefore provided for: *Provided*, That no officer, soldier, seaman or marine, or other person in the army or navy of the United States, or attached to the troops in the service of the United States, shall be allowed to vote or hold office under the provisions of this act by reason of being on service in this Territory.

Who may be delegates.

SEC. 12. That any person having the qualifications of an elector aforesaid shall be eligible to become a delegate to the convention provided for by this act.

Judges of election.

SEC. 13. That the persons who may be judges of election in the several voting precincts of this Territory at the time of the respective elections provided for in this act, shall be the judges of the several respective elections hereinbefore provided for.

Duty of judges at election.

SEC. 14. That the said judges of election, before entering upon the duties of their office, shall take an oath faithfully to discharge their duties as such. Said oath shall be administered to them by any person qualified by law to administer oaths ; and, in case no person thus qualified shall be present at the time of opening said elections, then said judges are hereby authorized and required to administer such oath to each other. They shall appoint two clerks of election, who shall also be sworn by said judges faithfully to discharge their duties as such. In the event of any vacancy or vacancies occurring in the board of judges, the bystanders shall supply such vacancy or vacancies from their own number.

Polls open, how long.

SEC. 15. That at the several elections provided for in this act the polls shall be opened between the hours of nine and ten o'clock a. m., and shall be kept open until and closed at sunset.

Poll-books furnished by whom.

SEC. 16. That the tribunals transacting county business of the several counties shall cause to be furnished to the several boards of judges in their respective counties two poll-books for each election hereinbefore provided for, upon which the clerks of election shall inscribe the name of every person who may vote at the said elections.

Counting the vote.

SEC. 17. That after the closing of the polls at each of the aforesaid elections the judges of such election shall proceed to count the votes cast, and designate the persons or objects for which they were cast, and shall make two correct tally-lists of the same.

Return of poll-books.

SEC. 18. That each of the boards of judges shall hold in safe-keeping one poll-book and tally-list, and the ballots cast at each respective election ; and shall, within ten days after such election, inclusive, cause the other poll-book and tally-list to be transmitted, by the hands of a sworn officer, to the clerk of the tribunal transacting county business of the counties in which said elections were holden, or to which the county may be attached for municipal purposes.

Canvass of votes.—Certified abstract to be sent to governor.

SEC. 19. That the tribunals transacting county business shall assemble at the county seats of their respective counties on the second Tuesday after each of said elections, and shall canvass the votes cast at the elections held in the several precincts in their respective counties and of the counties attached for municipal purposes. They shall hold in safe-keeping the poll-books and tally-lists of said elections, and shall, within ten days thereafter, transmit, by the hands of a sworn officer, to the governor of the Territory a certified abstract of the same, showing the number of votes cast for each person or object voted for, at each of the several precincts in their respective counties, and at each of the several precincts in the counties attached for municipal purposes, separately.

Governor to issue his proclamation before each election.—Proclamation, how published.

SEC. 20. That the governor of the Territory shall issue his proclamation not less than twenty days next preceding each respective election provided for in this act. Said proclamation shall contain an announcement of the several elections, the qualification of electors, the manner of conducting said elections, and of making the returns thereof as hereinbefore provided for, and shall publish such proclamation in one newspaper in each of the several counties of this Territory in which a newspaper may be then published.

Proclamation after each election.

SEC. 21. That the governor of the Territory shall, on the fourth Tuesday after each of the said elections, issue his proclamation, and cause the same to be published in not less than three of the most prominent newspapers of Kansas Territory, declaring the result of the said elections in the several precincts of the several counties of the Territory of Kansas; and he shall forthwith proceed to issue certificates of election to all persons (if any) thus elected.

Tie vote provided for.

SEC. 22. That in case of a tie vote between candidates for any of the offices provided for in this act, or in case of a vacancy by death, resignation, or otherwise, the governor of the Territory shall issue his proclamation for a new election in the district in which such tie or vacancy may occur; said proclamation to be issued not less than ten days next preceding said election.

Violations of the provisions of this act, how punished.

SEC. 23. That if any officer or person shall violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and

subject to a fine of not less than twenty, nor more than five hundred dollars, or shall be imprisoned in the county jail for a period not exceeding ten years, or both, at the discretion of the court; and it shall be the duty of the prosecuting attorneys of the several counties to prosecute, in the name and behalf of the Territory, all violations of the provisions of this act before any court having competent jurisdiction.

Compensation of members and officers.

SEC. 24. That the members of said constitutional convention, and all necessary officers thereof, shall receive for their services, each, the sum of three dollars per day; and shall also receive three dollars for every twenty miles travel in going to and returning from said convention, said travel to be estimated by the nearest travelled route.

Ten thousand dollars appropriated to pay expenses.

SEC. 25. That the sum of ten thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act, be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to defray the necessary expenses incident to the formation of said constitution and State government.

SEC. 26. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY, *Governor.*

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 27, 1860.

GENTLEMEN: In reply to your request to furnish information concerning the number of votes cast at the several elections in relation to the Wyandott constitution, I herewith transmit the several proclamations which contain the information you desire.

Respectfully,

S. MEDARY.

To the HOUSE OF REPRESENTATIVES.

PROCLAMATION.

In pursuance of the second section of an act passed by the last legislative assembly of the Territory of Kansas, entitled "An act providing for the formation of a constitution and State government of the State of Kansas"—

I, Samuel Medary, governor of the Territory of Kansas, do proclaim to the people thereof that, at an election held on the 28th day of March, 1859, as provided by law, the vote for and against a constitution and State government, as shown by the following table, to wit:

Counties.	For constitu- tion.	Against consti- tution.	Total.
Allen, (no returns)			
Anderson	176	7	183
Atchison	308	32	340
Bourbon	333	47	380
Breckinridge	313	16	329
Brown and Broderick, (no returns)			
Butler	15	2	17
Chase and Clay, (no returns)			
Coffey	184	134	318
Davis and Dickinson, (no returns)			
Doniphan	343	192	535
Douglas	405	164	569
Dorn and El Paso, (no returns)			
Franklin	92	1	93
Frémont, Godfrey, Greenwood, and Hunter, (no returns)			
Jackson	107	47	154
Jefferson	219	202	421
Johnson	301	65	366
Leavenworth	989	272	1,261
Linn	341	6	347
Lykins, Marshal, and McGhee, Montana, (no returns)			
Morris	63	14	78
Nemaha	120	39	159
Oro and Osage, (no returns)			
Pottawatomie	66	29	95
Riley	119	54	173
Shawnee	359	67	426
Wabaunsee	121		121
Washington and Wilson, (no returns)			
Wyandott	254	31	285
Woodson	77	4	81
	5,306	1,425	6,731

Whole number of votes cast for the constitution..... 5,306

Whole number of votes cast against the constitution..... 1,425

Whole number of votes cast for and against the constitution 6,731

Majority for a constitution and State government..... 3,881

The following votes, not included in the above, were returned directly to the executive office from the precincts where elections were held, instead of the county board.

Townships.	Counties.	For constitu- tion.	Against consti- tution.	Total.
Clinton.....	Douglas.....	148	6	154
St. Marysville.....	Lykins.....	19	32	51
Humboldt.....	Allen.....	70		70
Cofachique.....	do.....	46	16	62
Walnut.....	Brown.....	23	3	26
Plymouth.....	do.....	48		48
Irving.....	do.....	56		56
Centropolis.....	Franklin.....	24	12	36
	Total.....	433	69	502

Given under the seal of the Territory, at Lecompton, this 16th day
[L. s.] of April, A. D. 1859.

S. MEDARY.

PROCLAMATION.

In pursuance of the 21st section of an act, approved February 11, 1859, entitled “An act providing for the formation of a constitution and State government for the State of Kansas”

I, Samuel Medary, governor of the Territory of Kansas, do issue this proclamation.

The following tabular statement is a correct transcript of the aggregate vote polled in each of the several districts and counties, as returned to me and on file in my office :

FIRST DISTRICT.

Leavenworth county—Ten delegates.

Samuel A. Stinson.....	1,778
Marcus J. Parrot.....	1,358
Wm. Perry.....	1,708
Roger F. Kelly.....	1,286
John P. Slough.....	1,773
Wm. Englesman.....	1,267
Frederick Brown.....	1,738
John E. Gould.....	1,288
William C. McDowal.....	1,783
Charles G. Foster.....	1,298
Samuel Hipple.....	1,770
Thomas Ewing, jr.....	1,328
Robert C. Foster.....	1,761
George W. Gardner.....	1,304
Adam D. McCune.....	1,755
Joshua Kellogg.....	1,325
John Wright.....	1,731

George Dickenson.....	1,288
Pascal S. Parks.....	1,735
B. W. Williams.....	1,288
Livins Hazen.....	1

SECOND DISTRICT.

Atchison county—Three delegates.

Robert Graham.....	433	J. J. Ingalls.....	411
R. H. Wrightman.....	342	F. Lambard.	325
Caleb May.....	411	Scattering	8
J. W. Smith	332		

THIRD DISTRICT.

Doniphan county—Five delegates.

R. J. Porter.....	651	Benj. Wrigly.....	648
Albert L. Lee.....	526	E. Fleming.....	514
J. W. Forman.....	694	E. M. Hubbard.....	669
F. Grube.....	540	Wm. Lewis.....	558
John Stairwall.....	684	Scattering	6
V. D. Markham.....	531		

FOURTH DISTRICT.

Brown county—One delegate.

Samuel A. Kingman.....	93	Scattering	2
Samuel C. Shields.....	19		

FIFTH DISTRICT.

Nemaha county—One delegate.

Thomas S. Wright.....	74	Scattering	3
C. Bre.....	11		

SIXTH DISTRICT.

Marshall and Washington counties—One delegate.

J. A. Middleton.....	83	Scattering	1
J. D. Brumbaugh.....	63		

SEVENTH DISTRICT.

Jefferson county—One delegate.

C. B. McLellan.....	278	Henry Buckmaster	249
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EIGHTH DISTRICT.

Jackson (Calhoun) county—One delegate.

Ephraim Moore.....	186	Aaron Foster.....	145
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NINTH DISTRICT.

Riley county—One delegate.

L. D. Houston	104	Scattering	7
Amory Hunting	34		

TENTH DISTRICT.

Pottawatomie county—One delegate.

L. R. Palmer.....	73	Scattering	4
Uriah Cook.....	69		

ELEVENTH DISTRICT.

Johnson county—Two delegates.

J. T. Barton.....	375	J. T. Burris.....	348
David Martin.....	346	C. F. Stratton.....	331

TWELFTH DISTRICT.

Douglas county—Seven delegates.

James Blood.....	762	W. C. Blood.....	766
Charles Willemson.....	335	Thos. Majors.....	328
S. O. Thatcher	763	P. H. Townsend.....	761
G. A. Reynolds.....	374	J. L. Brown.....	323
L. R. Williams.....	769	E. Stokes	760
J. Church	324	R. C. Dicks.....	321
Wm. Hutchinson.....	701	Scattering	15
W. T. Spich.....	313		

THIRTEENTH DISTRICT.

Shawnee county—Three delegates.

John P. Greer.....	543	Hiram D. Preston.....	60
John Ritchie.....	335	Edward Hoagland.....	171
H. D. Preston.....	325	J. Murphy.....	153
Jeremiah Murphy	50	Scattering	7
Henry Fox.....	170		

FOURTEENTH DISTRICT.

Wabaunsee, (Richardson,) Davis, Dickenson and Clay counties—One delegate.

Wabaunsee.

Davis.

Edmond G. Ross.....	105	Edmond G. Ross.....	47
J. R. McClure.....	19	J. R. McClure.....	86
Scattering	3		

<i>Dickinson and Clay.</i>	<i>Total.</i>
Not returned.	Edmond G. Ross..... 152
	J. R. McClure..... 105

FIFTEENTH DISTRICT.

Lykins county—Two delegates.

B. F. Simpson..... 443	W. P. Dutton 431
Harry Torrey..... 311	G. W. Cavert..... 325

SIXTEENTH DISTRICT.

Franklin county—One delegate.

James Hanway..... 217	Scattering 1
Joab Torrey..... 116	

SEVENTEENTH DISTRICT.

Osage, (Weller,) Breckinridge, Morris, and Chase (Wise) counties—Two delegates.

<i>Osage county.</i>		<i>Breckinridge county.</i>	
J. M. Winchell..... 55		J. M. Winchell..... 256	
S. N. Wood..... 1		S. N. Wood 137	
William McCullough..... 56		William McCullough..... 260	
		W. J. Espey..... 132	
		Scattering 2	

<i>Morris county.</i>		<i>Chase county.</i>	
J. M. Winchell..... 5		S. N. Wood..... 88	
S. N. Wood..... 71		H. J. Espey..... 85	
William McCullough..... 5			
H. J. Espey..... 63			

Total.

J. M. Winchell.....	316
William McCullough.....	321
S. N. Wood.....	289
H. J. Espey.....	280
Scattering	2

EIGHTEENTH DISTRICT.

Linn county—Two delegates.

J. M. Arthur..... 455	Josiah Lamb..... 446
H. M. Dobyns..... 315	J. Farris..... 314

NINETEENTH DISTRICT.

Anderson county—One delegate.

J. G. Blunt.....	98	Scattering	8
W. F. M. Arny.....	93		

TWENTIETH DISTRICT.

*Coffey and Woodson counties—Two delegates.**Coffey county.**Woodson county.*

Allen Crocker.....	157	Allen Crocker.....	66
Samuel E. Hoffman.....	121	Samuel E. Hoffman.....	66
Hiram Hoover.....	123	Hiram Hoover.....	4
J. D. Carney.....	107		
Scattering	7		

Total.

Allen Crocker.....	222
Hiram Hoover.....	127
Samuel E. Hoffman.....	187
J. D. Carney.....	107
Scattering.....	7

TWENTY-FIRST DISTRICT.

*Madison, Hunter, Butler, Greenwood, Godfrey, and Wilson counties—One delegate.**Madison county.*

George H. Lillie.....	49
No returns from the other counties.	

TWENTY-SECOND DISTRICT.

*Bourbon, McGhee, and Dorn counties—Two delegates.**Bourbon county.*

J. C. Burnett.....	281
Ezra Gilbert.....	229
W. R. Griffith.....	294
Hugh Glenn.....	220
Scattering	4
No returns from McGhee and Dorn.	

TWENTY-THIRD DISTRICT.

Allen county—One delegate.

J. H. Signor.....	175
C. S. Clark.....	169

Wyandott county.

J. E. Bennett.....	295
W. Y. Roberts.....	237
J. B. Welborn.....	293
Fielding Johnson.....	240

And I therefore hereby proclaim the election of the following delegates in and for their respective districts, as members of the constitutional convention to assemble at Wyandotte, on the first Tuesday in July, A. D. 1859, as follows, to wit:

Leavenworth county.—Samuel A. Stinson, William Perry, John P. Slough, Frederick Brown, William C. McDowal, Samuel Hipple, Robert C. Foster, Adam D. McCune, John Wright, Pascal S. Parks.

Atchison county.—Robert Graham, Caleb May, J. J. Ingalls.

Doniphan county.—R. J. Porter, J. W. Forman, John Stairwalt, Benjamin Wrigley, E. M. Hubbard.

Brown county.—Samuel A. Kingman.

Nemaha county.—Thomas S. Wright.

Marshall and Washington counties.—J. A. Middleton.

Jefferson county.—C. B. McLelland.

Jackson (Calhoun) county.—Ephraim Moore.

Riley county.—S. D. Houston.

Pottawatomie county.—Luther R. Palmer.

Johnson county.—J. T. Barton and J. T. Burris.

Douglas county.—James Blood, S. O. Thatcher, L. R. Williams, William Hutchinson, N. C. Blood, P. H. Townsend, E. Stokes.

Shawnee county.—John P. Greer, John Ritchie, H. D. Preston.

Wabaunsee, (Richardson,) Davis, Dickinson, and Clay counties.—Edmond G. Rose.

Lykins county.—B. F. Simpson, B. F. Dutton.

Franklin county.—James Hanway.

Osage, (Weller,) Breckinridge, Morris, and Chase (Wise) counties.—J. M. Winchel, William McCullough.

Linn county.—J. M. Arthur, Josiah Lamb.

Anderson county.—J. G. Blunt.

Coffey and Woodson counties.—Allen Crocker and Samuel E. Hoffman.

Madison, Butler, Hunter, Greenwood, Godfrey, and Wilson.—George H. Lillie.

Bourbon, McGhee, and Dorn counties.—J. C. Burnett and W. R. Griffith.

Allen county.—J. H. Signor.

Given under my hand this 5th day of July, A. D. 1859.

S. MEDARY.

PROCLAMATION.

In pursuance of the 21st section of the act providing for the formation of a constitution and State government for the State of Kansas, passed February 11, 1859, I, Samuel Medary, governor of the Territory of Kansas, do hereby proclaim the result of the election held on the 4th day of October, 1859, "for" and "against" the constitution made in convention at Wyandott, on the 29th day of July last, and "for" and "against" the *homestead*, as follows:

Names of counties.	For constitution.	Against constitution.	For homestead.	Against homestead.
Allen	244	159	201	152
Anderson	266	80	206	109
Arapahoe—no returns				
Atchison	684	581	412	587
Bourbon	464	256	530	102
Breckinridge	545	26	425	19
Brown	269	103	173	163
Butler	27	1	28	
Chase and } No returns				
Clay, }				
Coffey	434	121	360	115
Davis and } No returns				
Dickinson, }				
Doniphan	743	630	592	690
Douglas	1,442	383	1,325	314
Dorn—no returns				
Franklin	301	111	252	111
Greenwood	34	16	33	8
Hunter—no returns				
Jackson	224	170	138	185
Jefferson	392	354	345	137
Johnson	373	377	316	113
Leavenworth	1,143	1,088	1,019	1,045
Linn	549	157	455	169
Lykins	492	225	455	225
Madison	82	4	60	13
Marshall and } No returns				
McGhee, }				
Morris	25	50	22	23
Nemaha	200	44	104	63
Osage	44		42	2
Pottawatomie	93	68	76	49
Riley	296	128	292	52
Shawnee	671	109	666	60
Wabaunsee	110	14	65	17
Washington, } No returns				
Wilson, and }				
Woodson, }				
Wyandotte	274	205	166	260
Total	10,421	5,530	8,788	4,772

For the constitution, 10,421 ; against the constitution, 5,530.

For homestead, 8,788 ; against homestead, 4,772.

Given under the seal of the Territory, at Lecompton, this 1st day of November, 1859.

[L. S.]

S. MEDARY.

EXECUTIVE OFFICE,
Kansas Territory, February 27, 1860.

I hereby certify that the foregoing are true copies of the several proclamations issued by me announcing the votes cast at the different elections held in relation to the constitution framed at Wyandott, in July last.

S. MEDARY.

CONSTITUTION OF THE STATE OF KANSAS, ADOPTED AT WYANDOTT, JULY 29, '59.

ORDINANCE.

Whereas the government of the United States is the proprietor of a large portion of the lands included in the limits of the State of Kansas as defined by this constitution ; and whereas the State of Kansas will possess the right to tax said lands for purposes of government, and for other purposes : Now, therefore, be it ordained by the people of Kansas, that the right of the State of Kansas to tax such lands is relinquished forever, and the State of Kansas will not interfere with the title of the United States to such lands, nor with any regulation of Congress in relation thereto, nor tax non-residents higher than residents : *Provided*, always, that the following conditions be agreed to by Congress :

SECTION 1. Sections numbered sixteen and thirty-six in each township in the State, including Indian reservations and trust lands, shall be granted to the State for the exclusive use of common schools ; and when either of said sections, or any part thereof, has been disposed of, other lands of equal value, as nearly contiguous thereto as possible, shall be substituted therefor.

SEC. 2. That seventy-two sections of land shall be granted to the State for the erection and maintenance of a State University.

SEC. 3. That thirty-six sections shall be granted to the State for the erection of public buildings.

SEC. 4. That seventy-two sections shall be granted to the State for the erection and maintenance of charitable and benevolent institutions.

SEC. 5. That all salt springs, not exceeding twelve in number, with six sections of land adjacent to each, together with all mines, with the lands necessary for their full use, shall be granted to the State for works of public improvement.

SEC. 6. That five per centum of the proceeds of the public lands in Kansas, disposed of after the admission of the State into the Union, shall be paid to the State for a fund, the income of which shall be used for the support of common schools.

SEC. 7. That the five hundred thousand acres of land to which the State is entitled under the act of Congress, entitled "An act to appropriate the proceeds of the sales of public lands and grant pre-emption rights," approved September 4, 1841, shall be granted to the State for the support of common schools.

SEC. 8. That the lands hereinbefore mentioned shall be selected in such manner as may be prescribed by law ; such selections to be subject to the approval of the Commissioner of the General Land Office of the United States.

PREAMBLE.

We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the State of Kansas, with the following boundaries, to wit : Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same ; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington ; thence north on said meridian to the fortieth parallel of north latitude ; thence east on said parallel to the western boundary of the State of Missouri ; thence south with the western boundary of said State to the place of beginning.

BILL OF RIGHTS.

SECTION 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body ; and this power shall be exercised by no other tribunal or agency.

SEC. 3. The people have the right to assemble in a peaceable manner to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defence and security ; but standing armies, in time of peace, are dangerous to liberty and shall not be tolerated, and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate.

SEC. 6. There shall be no slavery in this State, and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 7. The right to worship God according to the dictates of conscience shall never be infringed ; nor shall any person be compelled to attend or support any form of worship, nor shall any control of, or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for

any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.

SEC. 8. The right to the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of invasion or rebellion.

SEC. 9. All persons shall be bailable by sufficient surities, except for capital offences, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

SEC. 10. In all prosecutions the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offence.

SEC. 11. The liberty of the press shall be inviolate; and all persons may freely speak, write, or publish their sentiments on all subjects, being responsible for the abuse of such right; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libellous matter was published for justifiable ends, the accused party shall be acquitted.

SEC. 12. No person shall be transported from the State for any offence committed within the same, and no conviction in the State shall work a corruption of blood or forfeiture of estate.

SEC. 13. Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.

SEC. 14. No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.

SEC. 15. The right of the people to be secure in their persons and property against unreasonable searches and seizures shall be inviolate, and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.

SEC. 16. No person shall be imprisoned for debt except in cases of fraud.

SEC. 17. No distinction shall ever be made between citizens and aliens in reference to the purchase, enjoyment, or descent of property.

SEC. 18. All persons, for injuries suffered in person, reputation, or property, shall have remedy by due course of law, and justice administered without delay.

SEC. 19. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the State.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE I.—EXECUTIVE.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, and superintendent of public instruction, who shall be chosen by the electors of the State at the time and place of voting for members of the legislature, and shall hold their offices for the term of two years from the second Monday of January next after their election, and until their successors are elected and qualified.

SEC. 2. Until otherwise provided by law, an abstract of the returns of every election for the officers named in the foregoing section shall be sealed up and transmitted by the clerks of the boards of canvassers of the several counties to the secretary of state, who, with the lieutenant governor and attorney general, shall constitute a board of State canvassers, whose duty it shall be to meet at the State capitol on the second Tuesday of December succeeding each election for State officers and canvass the vote for such officers and proclaim the result; but in case any two or more have an equal and the highest number of votes, the legislature shall by joint ballot choose one of said persons so having an equal and the highest number of votes for said office.

SEC. 3. The supreme executive power of the State shall be vested in a governor, who shall see that the laws are faithfully executed.

SEC. 4. He may require information in writing from the officers of the executive department upon any subject relating to their respective duties.

SEC. 5. He may, on extraordinary occasions, convene the legislature by proclamation, and shall at the commencement of every session communicate in writing such information as he may possess in reference to the condition of the State, and recommend such measures as he may deem expedient.

SEC. 6. In case of disagreement between the two houses in respect to the time of adjournment, he may adjourn the legislature to such time as he may think proper, not beyond its regular meeting.

SEC. 7. The pardoning power shall be vested in the governor, under regulations and restrictions prescribed by law.

SEC. 8. There shall be a seal of the State, which shall be kept by the governor and used by him officially, and which shall be the great seal of Kansas.

SEC. 9. All commissions shall be issued in the name of the State of Kansas; signed by the governor, countersigned by the secretary of state, and sealed with the great seal.

SEC. 10. No member of Congress, or officer of the State or of the United States, shall hold the office of governor, except as herein provided.

SEC. 11. In case of the death, impeachment, resignation, removal, or other disability of the governor, the power and duties of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the president of the senate.

SEC. 12. The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate

shall choose a president *pro tempore* to preside in case of his absence or impeachment, or when he shall hold the office of governor.

SEC. 13. If the lieutenant governor, while holding the office of governor, shall be impeached or displaced, or shall resign, or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled or the disability removed ; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 14. Should either the secretary of state, auditor, treasurer, attorney general, or superintendent of public instruction, become incapable of performing the duties of his office for any of the causes specified in the thirteenth section of this article, the governor shall fill the vacancy until the disability is removed or a successor is elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after it shall have happened ; and the person chosen shall hold the office for the unexpired term.

SEC. 15. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 16. The officers of the executive department, and of all public institutions, shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature.

ARTICLE II.—LEGISLATIVE.

SECTION 1. The legislative power of this State shall be vested in a house of representatives and senate.

SEC. 2. The first house of representatives under this constitution shall consist of seventy-five members, who shall be chosen for one year. The first senate shall consist of twenty-five members, who shall be chosen for two years. After the first election the number of senators and members of the house of representatives shall be regulated by law, but shall never exceed one hundred representatives and thirty-three senators.

SEC. 3. The members of the legislature shall receive, as compensation for their services, the sum of three dollars for each day's actual service at any regular or special session, and fifteen cents for each mile travelled by the usual route in going to and returning from the place of meeting ; but such compensation shall not, in the aggregate, exceed the sum of two hundred and forty dollars for each member as per diem allowance for the first session held under this constitution, nor more than one hundred and fifty dollars for each session thereafter, nor more than ninety dollars for any special session.

SEC. 4. No person shall be a member of the legislature who is not at the time of election a qualified voter of and a resident in the county or district from which he is elected.

SEC. 5. No member of Congress or officer of the United States shall

be eligible to a seat in the legislature. If any person, after his election to the legislature, be elected to Congress, or elected or appointed to any office under the United States, his acceptance thereof shall vacate his seat.

SEC. 6. No person convicted of embezzlement or misuse of the public funds shall have a seat in the legislature.

SEC. 7. All State officers, before entering upon their respective duties, shall take and subscribe an oath or affirmation to support the Constitution of the United States and the constitution of this State, and faithfully to discharge the duties of their respective offices.

SEC. 8. A majority of each house shall constitute a quorum. Each house shall establish its own rules, and shall be judge of the election returns and qualifications of its own members.

SEC. 9. All vacancies occurring in either house shall be filled for the unexpired term by election.

SEC. 10. Each house shall keep and publish a journal of its proceedings. The yeas and nays shall be taken and entered immediately on the journal upon the final passage of every bill or joint resolution. Neither house, without the consent of the other, shall adjourn for more than two days, (Sundays excepted.)

SEC. 11. Any member of either house shall have the right to protest against any act or resolution; and such protest shall, without delay or alteration, be entered on the journal

SEC. 12. All bills shall originate in the house of representatives, and be subject to amendment or rejection by the senate.

SEC. 13. A majority of all the members elected to each house, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

SEC. 14. Every bill and joint resolution passed by the house of representatives and senate shall, within two days thereafter, be signed by the presiding officers, and presented to the governor; if he approve he shall sign it; but if not he shall return it to the house of representatives, which shall enter the objections at large upon its journal, and proceed to reconsider the same. If, after such reconsideration, two-thirds of the members elected shall agree to pass the bill or resolution, it shall be sent, with the objections, to the senate, by which it shall likewise be reconsidered; and if approved by two-thirds of all the members elected, it shall become a law. But in all such cases the vote shall be taken by yeas and nays, and entered upon the journals of each house. If any bill shall not be returned within three days (Sundays excepted) after it shall have been presented to the governor, it shall become a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevent its return, in which case it shall not become a law.

SEC. 15. Every bill shall be read on three separate days in each house, unless in case of emergency. Two-thirds of the house where such bill is pending may, if deemed expedient, suspend the rules; but the reading of the bill by sections, on its final passage, shall in no case be dispensed with.

SEC. 16. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended

unless the new act contain the entire act revived or the section or sections amended, and the section or sections so amended shall be repealed.

SEC. 17. All laws of a general nature shall have a uniform operation throughout the State, and in all cases where a general law can be made applicable no special law shall be enacted.

SEC. 18. All power to grant divorces is vested in the district courts, subject to regulation by law.

SEC. 19. The legislature shall prescribe the time when its acts shall be in force, and shall provide for the speedy publication of the same; and no law of a general nature shall be in force until the same be published. It shall have the power to provide for the election or appointment of all officers, and the filling of all vacancies not otherwise provided for in this constitution.

SEC. 20. The enacting clause of all laws shall be, "Be it enacted by the legislature of the State of Kansas;" and no law shall be enacted except by bill.

SEC. 21. The legislature may confer upon tribunals transacting the county business of the several counties such powers of local legislation and administration as it shall deem expedient.

SEC. 22. For any speech or debate in either house the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest, except for felony or breach of the peace, in going to or returning from the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

SEC. 23. The legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

SEC. 24. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law; and no appropriation shall be for a longer term than one year.

SEC. 25. All sessions of the legislature shall be held at the State capitol, and all regular sessions shall commence annually on the second Tuesday of January.

SEC. 26. The legislature shall provide for taking an enumeration of the inhabitants of the State at least once in ten years. The first enumeration shall be taken in A. D. 1865.

SEC. 27. The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators elected.

SEC. 28. The governor and all other officers under this constitution shall be subject to impeachment for any misdemeanor in office; but judgment in all such cases shall not be extended further than to removal from office and disqualification to hold any office of profit, honor, or trust under this constitution; but the party, whether acquitted or convicted, shall be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE III.—JUDICIAL.

SECTION 1. The judicial power of this State shall be vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts, inferior to the supreme court, as may be provided by law; and all courts of record shall have a seal to be used in the authentication of all process.

SEC. 2. The supreme court shall consist of one chief justice and two associate justices, a majority of whom shall constitute a quorum, who shall be elected by the electors of the State at large, and whose term of office, after the first, shall be six years. At the first election a chief justice shall be chosen for six years, one associate justice for four years, and one for two years.

SEC. 3. The supreme court shall have original jurisdiction in proceedings in *quo warranto*, *mandamus*, and *habeas corpus*, and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government, and such other terms at such places as may be provided by law, and its jurisdiction shall be coextensive with the State.

SEC. 4. There shall be appointed by the justices of the supreme court a reporter and clerk of said court, who shall hold their offices two years, and whose duties shall be prescribed by law.

SEC. 5. The State shall be divided into five judicial districts, in each of which there shall be elected, by the electors thereof, a district judge, who shall hold his office for the term of four years. District courts shall be held at such times and places as may be provided by law.

SEC. 6. The district courts shall have such jurisdiction in their respective districts as may be provided by law.

SEC. 7. There shall be elected in each organized county a clerk of the district court, who shall hold his office two years, and whose duties shall be prescribed by law.

SEC. 8. There shall be a probate court in each county, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound minds as may be prescribed by law, and shall have jurisdiction in cases of *habeas corpus*. This court shall consist of one judge, who shall be elected by the qualified voters of the county, and hold his office two years. He shall be his own clerk, and shall hold court at such times and receive for compensation such fees as may be prescribed by law.

SEC. 9. Two justices of the peace shall be elected in each township, whose term of office shall be two years, and whose powers and duties shall be prescribed by law. The number of justices of the peace may be increased in any township by law.

SEC. 10. All appeals from probate courts and justices of the peace shall be to the district court.

SEC. 11. All the judicial officers provided for by this article shall be elected at the first election under the constitution, and shall reside in their respective townships, counties, or districts during their respective terms of office. In case of vacancy in any judicial office, it shall be filled by appointment of the governor until the next regular

election that shall occur more than thirty days after such vacancy shall have happened.

SEC. 12. All judicial officers shall hold their offices until their successors shall have qualified.

SEC. 13. The justices of the supreme court and judges of the district courts shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office; *provided*, such compensation shall not be less than fifteen hundred dollars to each justice or judge, each year, and such justices or judges shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which such justices and judges shall be elected, nor practice law in any of the courts in the State during their continuance in office.

SEC. 14. Provision may be made by law for the increase of the number of judicial districts whenever two-thirds of the members of each house shall concur. Such districts shall be formed of compact territory, and bounded by county lines, and such increase shall not vacate the office of any judge.

SEC. 15. Justices of the supreme court and judges of the district courts may be removed from office by resolution of both houses, if two-thirds of the members of each house concur. But no such removal shall be made except upon complaint; the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

SEC. 16. The several justices and judges of the courts of record in this State shall have such jurisdiction at chambers as may be provided by law.

SEC. 17. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name of the State.

SEC. 18. Until otherwise provided by law, the first district shall consist of the counties of Wyandott, Leavenworth, Jefferson, and Jackson. The second district shall consist of the counties of Atchison, Doniphan, Brown, Nemaha, Marshall, and Washington. The third district shall consist of the counties of Pottawatomie, Riley, Clay, Dickinson, Davis, Wabaunsee, and Shawnee. The fourth district shall consist of the counties of Douglas, Johnson, Lykins, Franklin, Anderson, Linn, Bourbon, and Allen. The fifth district shall consist of the counties of Osage, Coffey, Woodson, Greenwood, Madison, Breckinridge, Morris, Chase, Butler, and Hunter.

SEC. 19. New or unorganized counties shall, by law, be attached for judicial purposes to the most convenient judicial district.

SEC. 20. Provisions shall be made by law for the selection, by the bar, of a *pro tem.* judge of the district court when the judge is absent or otherwise unable or disqualified to sit in any case.

ARTICLE IV.—ELECTIONS.

SECTION 1. All elections by the people shall be by ballot; and all elections by the legislature shall be *viva voce*.

SEC. 2. General elections shall be held annually on the Tuesday succeeding the first Monday in November. Township elections shall be held on the first Tuesday of April until otherwise provided by law.

ARTICLE V.—SUFFRAGE.

SECTION 1. Every white male person of twenty-one years and upwards, belonging to either of the following classes—who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote at least thirty days next preceding such election—shall be deemed a qualified elector :

1st. Citizens of the United States ; 2d, persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

SEC. 2. No person under guardianship, *non compos mentis*, or insane shall be qualified to vote, nor any person convicted of treason or felony, unless restored to civil rights.

SEC. 3. No soldier, seaman, or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of being stationed within the same ; nor shall any soldier, seaman, or marine have the right to vote.

SEC. 4. The legislature shall pass such laws as may be necessary for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or shall go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 6. Every person who shall have given or offered a bribe to procure his election shall be disqualified from holding office during the term for which he may have been elected.

SEC. 7. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony, or breach of the peace.

ARTICLE VI.—EDUCATION.

SECTION 1. The State superintendent of public instruction shall have the general supervision of the common school fund and educational interests of the State, and perform such other duties as may be prescribed by law. A superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law.

SEC. 2. The legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments.

SEC. 3. The proceeds of all lands that have been or may be granted by the United States to the State for the support of schools, and the five hundred thousand acres of land granted to the new States under an act of Congress distributing the proceeds of public lands among the several States of the Union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent.

as may be granted by Congress on the sale of lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands and such other means as the legislature may provide by tax or otherwise, shall be inviolably appropriated to the support of common schools.

SEC. 4. The income of the State school funds shall be disbursed annually, by order of the State superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein between the ages of five and twenty-one years: *Provided*, That no school district in which a common school has not been maintained at least three months in each year shall be entitled to receive any portion of such funds.

SEC. 5. The school lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election; but, subject to revaluation every five years, they may be leased for any number of years not exceeding twenty-five, at a rate established by law.

SEC. 6. All money which shall be paid by persons as an equivalent for exemption from military duty, the clear proceeds of estrays, ownership of which shall rest in the taker-up, and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected to the support of common schools.

SEC. 7. Provision shall be made by law for the establishment, at some eligible and central point, of a State university for the promotion of literature and the arts and sciences, including a normal and an agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State university, and all other grants, donations, or bequests, either by the State or by individuals, for such purpose, shall remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of the State university.

SEC. 8. No religious sect or sects shall ever control any part of the common school or university funds of the State.

SEC. 9. The State superintendent of public instruction, secretary of state, and attorney general shall constitute a board of commissioners for the management and investment of the school funds. Any two of said commissioners shall be a quorum.

ARTICLE VII.—PUBLIC INSTITUTIONS.

SECTION. 1. Institutions for the benefit of the insane, blind, and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law. Trustees of such benevolent institutions as may be hereafter created shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor the question shall be taken in yeas and nays and entered upon the journal.

SEC. 2. A penitentiary shall be established, the directors of which shall be appointed or elected as prescribed by law.

SEC. 3. The governor shall fill any vacancy that may occur in the offices aforesaid until the next session of the legislature, and until a successor to his appointee shall be confirmed and qualified.

SEC. 4. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

ARTICLE VIII.—MILITIA.

SECTION 1. The militia shall be composed of all able-bodied white male citizens between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States or of this State; but all citizens of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be exempted therefrom upon such conditions as may be prescribed by law.

SEC. 2. The legislature shall provide for organizing, equipping, and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed and commissioned in such manner as may be provided by law.

SEC. 4. The governor shall be commander-in-chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion.

ARTICLE IX.—COUNTY AND TOWNSHIP ORGANIZATION.

SECTION 1. The legislature shall provide for organizing new counties, locating county seats, and changing county lines; but no county seat shall be changed without the consent of a majority of the electors of the county, nor any county organized, nor the lines of any county changed, so as to include an area of less than four hundred and thirty-two square miles.

SEC. 2. The legislature shall provide for such county and township officers as may be necessary.

SEC. 3. All county officers shall hold their offices for the term of two years, and until their successors shall be qualified; but no person shall hold the office of sheriff or county treasurer for more than two consecutive terms.

SEC. 4. Township officers, except justices of the peace, shall hold their offices one year from the Monday next succeeding their election, and until their successors are qualified.

SEC. 5. All county and township officers may be removed from office in such manner and for such cause as shall be prescribed by law.

ARTICLE X.—APPORTIONMENT.

SECTION 1. In the future apportionment of the State, each organized county shall have at least one representative, and each county shall be divided into as many districts as it has representatives.

SEC. 2. It shall be the duty of the first legislature to make an apportionment, based upon the census ordered by the last legislative assembly of the Territory; and a new apportionment shall be made in the year 1866, and every five years thereafter, based upon the census of the preceding year.

SEC. 3. Until there shall be a new apportionment, the State shall be divided into election districts; and representatives and senators shall be apportioned among the several districts as follows, viz:

1st district, Doniphan, four representatives, two senators; 2d district, Atchison and Brown, six representatives, two senators; 3d district, Nemaha, Marshall, and Washington, two representatives, one senator; 4th district, Clay, Riley, and Pottawatomie, four representatives, one senator; 5th district, Dickinson, Davis, and Wabaunsee, three representatives, one senator; 6th district, Shawnee, Jackson, and Jefferson, eight representatives, two senators; 7th district, Leavenworth, nine representatives, three senators; 8th district, Douglas Johnson, and Wyandott, thirteen representatives, four senators; 9th district, Lykins, Linn, and Bourbon, nine representatives, three senators; 10th district, Allen, Anderson, and Franklin, six representatives, two senators; 11th district, Woodson and Madison, two representatives, one senator; 12th district, Coffey, Osage, and Breckinridge, six representatives, two senators; 13th district, Morris, Chase, and Butler, two representatives, one senator; 14th district, Arapahoe, Godfrey, Greenwood, Hunter, Wilson, Dorn, and McGhee, one representative.

ARTICLE XI.—FINANCE AND TAXATION.

SECTION 1. The legislature shall provide for a uniform and equal rate of assessment and taxation; but all property used exclusively for State, county, municipal, literary, educational, scientific, religious, benevolent, and charitable purposes, and personal property to the amount of at least two hundred dollars for each family, shall be exempted from taxation.

SEC. 2. The legislature shall provide for taxing the notes and bills discounted or purchased, moneys loaned, and other property, effects, or dues of every description, (without deductions of all banks now existing, or hereafter to be created, and of all bankers,) so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals.

SEC. 3. The legislature shall provide, each year, for raising revenue sufficient to defray the current expenses of the State.

SEC. 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object only such tax shall be applied.

SEC. 5. For the purpose of defraying extraordinary expenses and making public improvements, the State may contract public debts; but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided. Every such debt shall be authorized by law for some purpose specified therein, and the vote of a majority of all the members elected to each house, to be taken by the yeas and

nays, shall be necessary to the passage of such law ; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal thereof when it shall become due, and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest ; and such appropriation shall not be repealed nor the taxes postponed or diminished until the interest and principal of such debt shall have been wholly paid.

SEC. 6. No debt shall be contracted by the State except as herein provided, unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors of the State at some general election ; and if such proposed law shall be ratified by a majority of all the votes cast at such general election, then it shall be the duty of the legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding sections of this article.

SEC. 7. The State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war ; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 8. The State shall never be a party in carrying on any works of internal improvement.

ARTICLE XII.—CORPORATIONS.

SECTION 1. The legislature shall pass no special act conferring corporate powers. Corporations may be created under general laws, but all such laws may be amended or repealed.

SEC. 2. Dues from corporations shall be secured by individual liability of the stockholders to an additional amount equal to the stock owned by each stockholder, and such other means as shall be provided by law ; but such individual liabilities shall not apply to railroad corporations, nor corporations for religious or charitable purposes.

SEC. 3. The title to all property of religious corporations shall vest in trustees, whose election shall be by the members of such corporations.

SEC. 4. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money, or secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation.

SEC. 5. Provisions shall be made by general law for the organization of cities, towns, and villages, and their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, shall be so restricted as to prevent the abuse of such power.

SEC. 6. The term corporations, as used in this article, shall include all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships ; and all corporations may sue and be sued in their corporate name.

ARTICLE XIII.—BANKS AND CURRENCY.

SECTION 1. No bank shall be established otherwise than under a general banking law.

SEC. 2. All banking laws shall require, as collateral security for the redemption of the circulating notes of any bank organized under their provisions, a deposit with the auditor of state of the interest-paying bonds of the several States, or of the United States, at the cash rates of the New York stock exchange, to an amount equal to the amount of circulation notes which such bank shall be authorized to issue, and a cash deposit in its vaults of ten per cent. of such amount of circulation notes ; and the auditor shall register and countersign no more circulating bills of any bank than the cash value of such bonds when deposited.

SEC. 3. Whenever the bonds, pledged as collateral security for the circulation of any bank, shall depreciate in value, the auditor of state shall require additional security, or curtail the circulation of such bank to such extent as will continue the security unimpaired.

SEC. 4. All circulating notes shall be redeemable in the money of the United States. Holders of such notes shall be entitled, in case of the insolvency of such banks, to preference of payment over all other creditors.

SEC. 5. The State shall not be a stockholder in any banking institution.

SEC. 6. All banks shall be required to keep offices and officers, for the issue and redemption of their circulation, at a convenient place within the State, to be named on the circulating notes issued by such bank.

SEC. 7. No banking institution shall issue circulating notes of a less denomination than five dollars.

SEC. 8. No banking law shall be in force until the same shall have been submitted to a vote of the electors of the State at some general election, and approved by a majority of all the votes cast at such election.

SEC. 9. Any banking law may be amended or repealed.

ARTICLE XIV.—AMENDMENTS.

SECTION 1. Propositions for the amendment of this constitution may be made by either branch of the legislature ; and if two-thirds of all the members elected to each house shall concur therein, such proposed amendments, together with the yeas and nays, shall be entered on the journal ; and the secretary of state shall cause the same to be published in at least one newspaper in each county of the State, where a newspaper is published, for three months preceding the next election for representatives, at which time the same shall be submitted to the electors for their approval or rejection ; and if a majority of the electors voting on said amendments, at said election, shall adopt the amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately ; and not more than three propositions to amend shall be submitted at the same election.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to re-

visé, amend, or change this constitution, they shall recommend to the electors to vote at the next election of members to the legislature for or against a convention; and if a majority of all the electors voting at such election shall have voted for a convention, the legislature shall, at the next session, provide for calling the same.

ARTICLE XV.—MISCELLANEOUS.

SECTION 1. All officers, whose election or appointment is not otherwise provided for, shall be chosen or appointed as may be prescribed by law.

SEC. 2. The tenure of any office not herein provided for may be declared by law; when not so declared, such office shall be held during the pleasure of the authority making the appointment, but the legislature shall not create any office the tenure of which shall be longer than four years.

SEC. 3. Lotteries and the sale of lottery tickets are forever prohibited.

SEC. 4. All public printing shall be let on contract to the lowest responsible bidder by such executive officers, and in such manner, as shall be prescribed by law.

SEC. 5. An accurate and detailed statement of the receipts and expenditures of the public moneys, and the several amounts paid, to whom, and on what account, shall be published as prescribed by law.

SEC. 6. The legislature shall provide for the protection of the rights of women in acquiring and possessing property, real, personal, and mixed, separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.

SEC. 7. The legislature may reduce the salaries of officers who shall neglect the performance of any legal duty.

SEC. 8. The temporary seat of government is hereby located at the city of Topeka, county of Shawnee. The first legislature under this constitution shall provide by law for submitting the question of the permanent location of the capital to a popular vote, and a majority of all the votes cast at some general election shall be necessary for such location.

SEC. 9. A homestead to the extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon: *Provided*, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife.

SCHEDULE.

SECTION 1. That no inconvenience may arise from the change from a territorial government to a permanent State government, it is de-

clared by this constitution that all suits, rights, actions, prosecutions, recognizances, contracts, judgments, and claims, both as respects individuals and bodies corporate, shall continue as if no change had taken place.

SEC. 2. All fines, penalties, and forfeitures, owing to the Territory of Kansas, or any county, shall enure to the use of the State or county. All bonds executed to the Territory, or any officer thereof, in his official capacity, shall pass over to the governor or other officers of the State or county, and their successors in office, for the use of the State or county, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

SEC. 3. The governor, secretary, and judges, and all other officers, both civil and military, under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

SEC. 4. All laws and parts of laws in force in the Territory at the time of the acceptance of this constitution by Congress, not inconsistent with this constitution, shall continue and remain in full force until they expire or shall be repealed.

SEC. 5. The governor shall use his private seal until a State seal is provided.

SEC. 6. The governor, secretary of state, auditor of state, treasurer of state, attorney general, and superintendent of public instruction, shall keep their respective offices at the seat of government.

SEC. 7. All records, documents, books, papers, moneys, and vouchers, belonging and pertaining to the several territorial courts and offices, and to the several districts and county offices, at the date of the admission of this State into the Union, shall be disposed of in such manner as may be prescribed by law.

SEC. 8. All suits, pleas, complaints, and other proceedings pending in any court of record, or justice's court, may be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, injunctions, or other proceedings whatever, may progress and be carried on as if this constitution had not been adopted; and the legislature shall direct the mode in which such suits, pleas, complaints, prosecutions, and other proceedings, and all papers, records, books, and documents connected therewith, may be removed to the courts established by this constitution.

SEC. 9. For the purpose of taking the vote of the electors of this Territory for the ratification or rejection of this constitution, an election shall be held in the several voting precincts in this Territory on the first Tuesday in October, A. D. 1859.

SEC. 10. Each elector shall express his assent or dissent by voting a written or printed ballot labelled "For the constitution," or "Against the constitution."

SEC. 11. If a majority of all the votes cast at such election shall be in favor of the constitution, then there shall be an election held in the several voting precincts on the first Tuesday in December, A. D. 1859, for the election of members of the first legislature, of all State,

district, and county officers provided for in this constitution, and for a representative in Congress.

SEC. 12. All persons having the qualifications of electors, according to the provisions of this constitution, at the date of each of said elections, and who shall have been duly registered according to the provisions of the registry law of this Territory, and none others, shall be entitled to vote at each of said elections.

SEC. 13. The persons who may be judges of the several voting precincts of this Territory at the date of the respective elections in this schedule provided for, shall be the judges of the respective elections herein provided for.

SEC. 14. The said judges of election, before entering upon the duties of their office, shall take and subscribe an oath faithfully to discharge their duties as such. They shall appoint two clerks of election, who shall be sworn by one of the said judges faithfully to discharge their duties as such. In the event of a vacancy in the board of judges, the same shall be filled by the electors present.

SEC. 15. At each of the elections provided for in this schedule the polls shall be opened between the hours of nine and ten o'clock a. m., and closed at sunset.

SEC. 16. The tribunals transacting county business of the several counties shall cause to be furnished to the boards of judges, in their respective counties, two poll-books for each election hereinbefore provided for, upon which the clerks shall inscribe the name of every person who may vote at the said elections.

SEC. 17. After closing the polls at each of the elections provided for in this schedule, the judges shall proceed to count the votes cast, and designate the persons or objects for which they were cast, and shall make two correct tally-lists of the same.

SEC. 18. Each of the boards of judges shall safely keep one poll-book and tally-list, and the ballots cast at each election, and shall, within ten days after such election, cause the other poll-book and tally-list to be transmitted, by the hands of a sworn officer, to the clerk of the board transacting county business in their respective counties, or to which the county may be attached for municipal purposes.

SEC. 19. The tribunals transacting county business shall assemble at the county seats of their respective counties on the second Tuesday after each of the elections provided for in this schedule, and shall canvass the votes cast at the elections held in the several precincts in their respective counties, and of the counties attached, for municipal purposes. They shall hold in safe-keeping the poll-books and tally-lists of said elections, and shall, within ten days thereafter, transmit, by the hands of a sworn officer, to the president of this convention, at the city of Topeka, a certified transcript of the same, showing the number of votes cast for each person or object voted for at each of the several precincts in their respective counties, and in the counties attached, for municipal purposes separately.

SEC. 20. The governor of the Territory and the president and secretary of this convention shall constitute a board of State canvassers, any two of whom shall be a quorum; and who shall, on the fourth

Monday after each of the elections provided for in this schedule, assemble at said city of Topeka, and proceed to open and canvass the votes cast at the several precincts in the different counties of the Territory and declare the result ; and shall immediately issue certificates of election to all persons (if any) thus elected.

SEC. 21. Said board of State canvassers shall issue their proclamation not less than twenty days next preceding each of the elections provided for in this schedule. Said proclamation shall contain an announcement of the several elections, the qualifications of electors, the manner of conducting said elections, and of making the returns thereof, as in this constitution provided, and shall publish said proclamation in one newspaper in each of the counties of the Territory in which a newspaper may be then published.

SEC. 22. The board of State canvassers shall provide for the transmission of authenticated copies of the constitution to the President of the United States, the President of the Senate, and Speaker of the House of Representatives.

SEC. 23. Upon official information having been by him received of the admission of Kansas into the Union as a State, it shall be the duty of the governor elect under the constitution to proclaim the same and to convene the legislature, and do all things else necessary to the complete and active organization of the State government.

SEC. 24. The first legislature shall have no power to make any changes in county lines.

SEC. 25. At the election to be held for the ratification or rejection of this constitution, each elector shall be permitted to vote on the homestead provision contained in the article on miscellaneous, by depositing a ballot inscribed " For the homestead " or " Against the homestead ; " and if a majority of all the votes cast at said election shall be against said provision, then it shall be stricken from the constitution.

RESOLUTIONS.

Resolved, That the Congress of the United States is hereby requested, upon the application of Kansas for admission into the Union, to pass an act granting to the State forty-five hundred thousand acres of land to aid in the construction of railroads and other internal improvements.

Resolved, That Congress be further requested to pass an act appropriating fifty thousand acres of land for the improvement of the Kansas river from its mouth to Fort Riley.

Resolved, That Congress be further requested to pass an act granting all swamp lands within the State for the benefit of common schools.

Resolved, That Congress be further requested to pass an act appropriating five hundred thousand dollars, or, in lieu thereof, five hundred thousand acres of land, for the payment of the claims awarded to citizens of Kansas by the claim commissioners appointed by the governor and legislature of Kansas under an act of the territorial legislature passed 7th February, 1859.

Resolved, That the legislature shall make provision for the sale or disposal of the lands granted to the State in aid of internal improvements, and for other purposes, subject to the same rights of pre-emption to the settlers thereon as are now allowed by law to settlers on the public lands.

Resolved, That it is the desire of the people of Kansas to be admitted into the Union with this constitution.

Resolved, That Congress be further requested to assume the debt of this Territory.

Done in convention, at Wyandott, this 29th day of July, A. D. 1859.

JAMES M. WINCHELL,
*President of the Kansas Constitutional Convention,
and delegate from Osage County.*

JOHN A. MARTIN, *Secretary.*

Robert Graham, John James Ingalls, Caleb May, J. A. Middleton, S. D. Houston, Luther R. Palmer, John Taylor Burris, John P. Greer, John Ritchey, H. D. Preston, Benjamin F. Simpson, James M. Arthur, Josiah Lamb, William McCulloch, James G. Blunt, J. C. Burnett, William R. Griffith, Samuel A. Kingman, Robert J. Porter, James Blood, S. O. Thatcher, Edwin Stokes, P. H. Townsend, William Hutchinson, N. C. Blood, Edmund G. Ross, James Hanway, Allen Crocker, Samuel E. Hoffman, James A. Signor, George H. Little, R. L. Williams, W. P. Dutton.

I hereby certify that the above is a correct copy of the constitution adopted at Wyandott July 29, 1859. ■

J. M. WINCHELL,
President Kansas Constitutional Convention.

Attest:

JOHN A. MARTIN,
Secretary Kansas Constitutional Convention.

MINORITY REPORT.

Mr. JOHN B. CLARK, from the Committee on Territories, submitted the following views of the minority of the committee :

The undersigned, a minority of the Committee on Territories, disagreeing with the views of the majority as set forth in their report in relation to the application of Kansas to be admitted into the Union, asks leave to submit the following report :

On the 4th of May, 1858, Congress enacted a law in relation to Kansas, which, among other things, provided that "the people of said Territory are hereby authorized and empowered to form for themselves a constitution and State government, by the name of the State of Kansas, according to the federal Constitution, and may elect delegates for that purpose whenever, and not before, it is ascertained by a census duly and legally taken that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States; and whenever thereafter such delegates shall assemble in convention, they shall first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time; and if so, shall proceed to form a constitution, and take all necessary steps for the establishment of a State government, in conformity with the Federal Constitution, subject to such limitations and restrictions as to the mode and manner of its approval or ratification by the people of the proposed State as they may have prescribed by law, and shall be entitled to admission into the Union as a State under such constitution thus fairly and legally made, with or without slavery, as said constitution may prescribe."

A perusal of the law shows that Kansas was authorized to form a constitution, and apply for admission into the Union as a State, "whenever, and not before, it is ascertained by a census duly and legally taken that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States." The first step to be taken to form a State government by the authorities of Kansas, if they desired to proceed in accordance with the laws of the land, was, therefore, to ascertain whether Kansas contained the requisite population. Did the people of Kansas take that step thus by the law required to be taken? No one so asserts. On the contrary, they proceeded as though there were no laws on the subject; or as though, if there were laws, there existed no authority adequate to their enforcement upon people disposed to disregard them. Having a contempt for the law, and relying upon a powerful party for support in so doing, they disregarded the law.

For years, without punishment, the territorial laws of Kansas

were uniformly disobeyed by large numbers of people ; and this lawless class, increased to a majority by the efforts of northern fanatics, and emboldened in their course of wrong-doing by the direct approval of a party in this House and in the Senate, have proceeded, *without taking a census*, as required by law, to call a convention and form a constitution. This constitution, thus formed in open disregard of the plain provisions of a law of the United States, has been laid before this House, and its acceptance as strenuously advocated by the political friends of the actors as though their conduct had been correct and orderly. Upon this state of facts, (known to the whole country to be true, so public have been the transactions,) Congress is compelled to decide, first, whether it will require the tumultuous and violent people of this Territory to respect and obey the plain letter of a reasonable and easily-observed law.

If the decision of Congress is in favor of the maintenance of its own laws, then it only remains for the authorities of Kansas to reverse their conduct, and proceed about the business of forming a State government *according to law*, instead of proceeding in *defiance of law*.

If, in these days of turbulence and disorder, Congress shall deem it a wise policy to *yield* to the noisy demands of a disorderly population, instead of resolutely exacting from them obedience to law, it will, by thus yielding, decide it to be judicious to reward the contumacy of a people, few in numbers, but violent contemners of the government of which they ask to be made a part. Congress would thus confer upon a people, while in open disregard of the national laws, all the rights, powers, and privileges of the oldest, most orderly, most populous, and wealthiest States.

The majority of this committee recommend that Kansas shall, notwithstanding it approaches Congress in contumacious disregard of the plainest provision of the very law which prescribed the time and the mode of qualifying herself to become an independent State, be admitted into the Union. They seem not to see in the palpable and ostentatious disregard of the laws of the United States by the authorities of Kansas the slightest cause of rebuke. Far less are they able to discern a reason for sternly saying to them that the Congress of the United States will *not* receive a State into the Union as an equal whilst it insists on remaining in the garb of a transgressor of their laws ; that, as a decent and *indispensable* prerequisite, Kansas must make her appearance in accordance with, and not in *disregard* of, the constitutional laws of the Union which they seek to enter. The feeble administration of local laws, and their frequent violation in many cities and States, renders the example which the decision of this question will set exceedingly important. It is evident to all reflecting citizens that greater security for life and property must be obtained in this country by a more rigid enforcement of the laws, or our representative system of government will prove a failure. And at this time of laxity, disorder, and confusion, will Congress be justified by the just and sober-minded if it allows a sturdy and persistent violator of its laws to approach its bar and demand *and receive* a favor in open disregard of a law not yet two years old? Where will these things end, if Congress solemnly decides that laws passed for the control of States

and Territories may be disregarded by them at their individual will and pleasure, although the laws are admitted on all hands to be constitutional?

If Congress thus succumbs to an audacious community, few in numbers, does it not, by its manifestation of weakness and imbecility, invite aggressions upon its rights and its authority by more wealthy and more powerful Commonwealths?

If Congress has neither the firmness, the dignity, nor the power to enforce its laws, is it not a waste of time and money to remain in session to enact additional ones?

Do not policy and good sense, in such a case, unite in recommending Congress to frankly tell the people that their government is a failure, and go home, and allow them to institute another whose laws can be enforced against both the turbulent and the influential? Kansas has had since the 4th of May, 1858, to take a census of the people and form a State constitution in conformity with law; and why has it not been done? Was either a pecuniary or physical impossibility required of that Territory by the general government? No limitation as to the time in which the work was to be done was imposed. They might perform the work in six months, or in as many years, as to them might seem best.

If they were unable to meet the *expense*, they could wait until they should become able; and, besides, if they were unable to meet so small an expenditure during the (near) two years which have elapsed, *that fact* is proof of their inability to maintain a State government.

The fact undoubtedly is, that Kansas has had both *time* and *ability* to comply with the law of Congress, but has failed to comply from a *sheer spirit of lawlessness*, fostered by a belief, first, that the party above alluded to in Congress, and throughout the country, would sustain them in whatever course they might pursue; and, second, that the other great political party of the country would be compelled to *wink* at any violation of law in which the people of Kansas might indulge, lest the continual agitation of the territorial question should injuriously affect their *party* prospects.

That they had cause to believe the party first above alluded to would be likely to sustain them in any violation of law, no matter how flagrant, no matter how damaging to the national character, no matter how dangerous the precedent thus to be set, we all know from this most extraordinary fact: At an election held in Kansas in pursuance of law, General Whitfield received almost if not every legal vote for delegate to Congress, together, as his opponents alleged, with several illegal ones; ten days *after* the election, the friends of Governor Reeder assembled at a few places, and without even the semblance of law, voted for him for the same office. General Whitfield, of course, took his seat, for he had received *every* legal vote in the Territory which had been cast on the day of election. Yet, on the 1st day of August, 1856, the present chairman of this committee, and *one hundred and nine* other members of the House of Representatives, voted "that John W. Whitfield is *not entitled* to a seat in this House as a delegate from the Territory of Kansas;" see House Journal of 1855, 1856, pages 1338, 1339.

Not only was this done *here*, upon the floor of this House, in the presence of the nation, but eighty-eight of those same members actually voted for the admission of Andrew H. Reeder as a delegate from Kansas, although he had received at the election authorized by law *not a solitary vote*.—(See same journal, pages 1339 and 1340.)

Of the men who gave these votes, many are now on this floor as members of this House, and hence the “Sharpe’s riflemen” and other law-breakers of Kansas might well calculate upon being upheld in *any* violation of law which they could possibly plan.

That this judgment may not be considered too severe, the House is referred to the appalling fact that the same party actually voted for and passed through this House a bill releasing by its provisions all felons, horse-thieves, burglars, murderers, and even the *Ossawatimie assassins*, from all responsibilities for all the crimes which they had perpetrated in violation of the laws of that Territory during a series of years. In all ages, bills of amnesty for *past* “political” offences have, in times of civil commotion, been enacted. But in what country, civilized or savage, Christian or pagan, ancient or modern, can they find a precedent for their bill, which not only pardons “political” offences, but also every species of theft, robbery, fraud, burglary, arson, rape, and mutilation and murder? Their bill not only pardons every offence and crime known to the criminal calendar, which had been committed in any part of that widespread Territory, but it took the further unprecedented and most extraordinary step of giving to every person in Kansas entire immunity for any crime which they might *thereafter* commit against the laws of that unfortunate Territory. No honest man in the world, of sound mind, not warped by party zeal, can *justify* a vote for that bill. No one, we apprehend, will attempt it. Like the vote, that the gentleman who had, at a regular election held on the day fixed by law, received *every* legal vote cast in the Territory, was “*not entitled*” to the office to which he had been elected without opposition, it is a matter for silence and shame, not one for discussion and defence.

When notorious law-breakers make their appearance before Congress, asking a favor not in accordance with, but in direct disregard of law, what ought a grave law-making power to say to them? Should the favor be accorded with alacrity and delight, or should the applicants be sternly remanded to conscience and to duty?

If, for requiring obedience to law, the democratic party shall suffer; if, for sustaining men in open disregard of the laws, the republican party shall prosper, so let it be. The question is *not*, what is *party expediency*, but what is *right* and *legal*. Duty asks not for the road which leads to popular *favor*, but seeks to know what can be done to successfully oppose the plans of the vicious, and *crush the schemes of the disobedient*. When the unscrupulous rush to the support of those who are toiling, by all arts, to nullify a law universally admitted to be wholesome, no good citizen is allowed by patriotism to do otherwise than uncover his arm and maintain the supremacy of the laws. He is not allowed by his principles to even contemplate what good *might* flow to him, or to his friends, or to his party, were he to join the disorderly mass that is seeking to trample the laws of his country

under foot. The *true* lover of his country *must* contend for the maintenance of law and order, there being no other known and *sure* way of securing that *peace and safety* which all good men desire, and all good governments guarantee.

But not only was the constitution of Kansas formed and sent here in disregard of the law, but some of its provisions are in direct conflict with treaty stipulations entered into by the United States.

“All treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding:” so reads the Constitution of the United States. Now, let us examine the treaties of the United States with the Indians owning a portion of Kansas, and see if Congress has the constitutional right to admit Kansas into the Union *with the boundaries* which she claims in the constitution which was formed in contempt of our laws, and sent here for our approval.

In May, 1828, the United States made a treaty with a portion of the chiefs and headmen of the Cherokee nation of Indians, west of the Mississippi river, which ceded a portion of the proposed State of Kansas to the Cherokees for a “*permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever—a home that shall never in all future time be embarrassed by having extended around it the lines, or place over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State.*” In February, 1833, another treaty was made by the United States with the same party of the Cherokees which extended their lands in Kansas. On the 29th of December, 1835, another treaty was made by the United States with the Cherokees, by which they agreed for five millions of dollars to remove from Georgia to their new country west of Arkansas and Missouri. In this treaty the United States sold to the Cherokees 800,000 additional acres of land lying “*east of the Osages,*” and *bordering on Missouri* “*fifty miles,*” for \$500,000.—(See 2d article of the treaty.) To understand the greatness of the country owned by the Cherokees in Kansas, the following extract from the second article of the treaty is made. The line described is to the south and west of the 800,000 acre tract; “*running thence with the western line of Arkansas Territory, as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the land assigned to the Senecas; thence on the south line of the Senecas to Grand river; thence up said Grand river as far as the south line of the Osage reservation extended, if necessary; thence up and between said south Osage line, extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line, will make seven millions of acres within the whole described boundaries.*”

This Cherokee boundary line evidently runs north of the Kansas line for a distance of probably one hundred and twenty miles, *not far* north, but still *north* of the south line of the proposed State of Kansas; and the eight hundred thousand acre tract, a compact sec-

tion of country *fifty* miles long and twenty-five miles wide, *lies wholly within the proposed limits of Kansas.*

Such are the boundaries of the Cherokee country as defined by the treaty of 1835. The next inquiry is, what guarantees were given to the Cherokees by the United States in said treaty? By the fifth article of the treaty of the 5th February, 1835, the United States “covenant and agree that the lands ceded to the Cherokee nation in the foregoing article shall *in no future time without their consent* be included within the *territorial limits or jurisdiction of any State or Territory*” It also secures to them *the right* through their national councils to make all needful laws for the government and protection of persons and property within their own country. The seventh article stipulates that they shall be entitled to a *delegate* in the House of Representatives of the United States “whenever Congress shall make provision for the same.” This grant of a right to have their country kept beyond the limits, and out of the jurisdiction of States and Territories, and to make their own laws, is not a novelty known only to the Cherokees. The same right was secured to the Choctaws September 27, 1830, as follows:

“The United States are hereby obliged to secure to the said Choctaw nation of *red people* the jurisdiction and government of all the persons and property that may be within their limits west, so that *no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants*, and that *no part of the land granted them shall ever be embraced in any Territory or State*, but the United States shall forever secure said Choctaw nation from and against all laws except such as from time to time may be enacted in their own national councils, not inconsistent with the Constitution, treaties, and laws of the United States.” The Creek Indians obtained a guarantee of a like character on the 24th of March, 1832: “The Creek country west of the Mississippi shall be solemnly guaranteed to the Creek Indians; nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves so far as it may be compatible with the general jurisdiction which Congress may think proper to exercise over them.”

In the treaty of May 24, 1834, with the Chickasaws, the United States “*agree to keep them without the limits of any State or Territory.*” Several other tribes have similar guarantees.

The Cherokees, Creeks, Choctaws, and Chickasaws are the largest, most civilized, and wealthiest of the settled Indian tribes. When they removed west of the Mississippi the United States guaranteed that their country should *never* be included within “*the limits of any State or Territory.*” Shall that guarantee be made good? Will Congress, in imitation of heartless tyrants and despots of other countries and other days, deliberately violate its legal engagements? The first of the four great tribes whose rights are seriously endangered is the Cherokee nation. *So far* these rights have been respected.

Take the following signal instance of respect for rights guaranteed by treaty:

In the act of Congress organizing the Territory of Kansas is the

following provision : "That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which *by treaty* with any Indian tribe *is not*, without the consent of said tribe, *to be included* within the territorial limits or jurisdiction of any State or Territory, but all *such* territory shall be *excepted out of the boundaries*, and constitute NO PART of the Territory of Kansas."

This clause was inserted to preserve the public faith. When Congress is asked to assent to the constitution of Kansas, it must be borne in mind that the boundaries of the proposed State include territory which Congress has bound itself to the Indian owners thereof, by treaty, "*not to include in any Territory, nor in any State.*"

It is seen that these Indian possessions are *not in Kansas Territory*—they were specially *excepted out* of the boundaries, and constitute no part of *Kansas*. Kansas has not, never had, and never can have (without the previous assent of the Cherokees and other tribes interested) a legal control of the "*guaranteed territory.*"

The treaty says that the Indian lands were given to them for "*a permanent home*, and which shall, under the *most solemn guarantees of the United States*, be and remain theirs forever ; a home that *shall never*, in all future time, be embarrassed by having *extended around it* the lines, or *placed over it* the jurisdiction of a Territory or State, nor be *pressed upon* by the extension, in *any way*, of any existing Territory or State."

This guarantee from a strong to a weaker party is clear, specific, and unqualified. Shall it be observed in good faith ; or, upon the eve of a presidential election, shall it be sacrificed to the demon of party spirit ?

If the Cherokees, the most highly civilized of the larger Indian tribes, have not enough guarantees and promises to arrest the hand of spoliation, surely the remainder of the other large southern tribes will also soon be swallowed up by those who have not examined, or, after having examined the extent of their guaranteed rights, are willing to disregard them.

Since the passage of the Kansas and Nebraska bill into a law the rights of the Indians seem to have been almost wholly overlooked by Congress. Constitution after constitution, each and all of them engulfing "*guaranteed Indian lands,*" have succeeded each other with startling rapidity without once arresting any considerable degree of attention, if any at all, to the wrongs which would result to the *red man* from their consummation. The slavery question seems to have thoroughly succeeded in monopolizing all *thoughts whatever* whenever territorial questions have arisen. To prevent the consummation of impending injustice, the undisputed and indisputable rights of the Indians are now brought to the attention of Congress and the country, and a demand of justice made. We demand the observance of treaties ; we demand the preservation of the national faith ; we demand kindness and justice to the weak, and an honest fulfilment of the generous

promises made to induce the Indians to emigrate from the homes of their fathers.

In conclusion, the minority of the committee are of the opinion that a decent respect for the dignity of Congress, the laws of the land, and of the American people, requires that the petition of Kansas to be admitted into the Union should not be granted until its people will consent, 1st, to organize in accordance with, instead of in disregard of, the laws of the United States ; 2d, not until it is shown that the population of the proposed State of Kansas equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States ; 3d, not until the people form and present a constitution which is republican in form, including a proper area of territory, and not including any Indian country that the United States has solemnly engaged shall not be included "within the limits of any State or Territory."

The constitution of Kansas, not having been formed and presented to Congress in accordance with law, but in derogation thereof; and it not appearing that there are within her limits a sufficient population as required by law ; and embracing Indian territory which Congress, in 1854, decided should *constitute no part of the Territory of Kansas, but be excepted out of the boundaries thereof*, the undersigned recommend that the laws and treaties of the United States be maintained, and that the said constitution of Kansas, and the bill to admit her into the Union as a State, be rejected as inconsistent with the honor, and in violation of the laws and treaty engagements of the United States.

JOHN B. CLARK.

APPENDIX.

The following is a copy of the journal of the House of Representatives containing the resolutions displacing Mr. Whitfield and attempting to put Governor Reeder in his place, with the yeas and nays thereon. Also a copy of the two sections of the amnesty act releasing persons for criminal offences in Kansas, and the yeas and nays thereon, as referred to in the foregoing report as having passed the House of Representatives.

“ A division of the question having been called for,

The Speaker stated the question to be on agreeing to the first resolution ; which was read, and is as follows, viz :

Resolved, That John W. Whitfield is not entitled to a seat in this House as a delegate from the Territory of Kansas.

And the question being put, Will the House agree thereto?

It was decided in the affirmative, { Yeas 110
Nays 92

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. Charles J. Albright	Mr. William A. Gilbert	Mr. James Pike
John Allison	Amos P. Granger	Benjamin Pringle
Edward Ball	Galusha A. Grow	Samuel A. Purviance
Lucian Barbour	Robert B. Hall	David Ritchie
David Barclay	Aaron Harlan	George R. Robbins
Henry Bennett	John Scott Harrison	Anthony E. Roberts
Samuel P. Benson	Solomon G. Haven	Alvah Sabin
Charles Billinghamurst	John Hickman	Russell Sage
Philemon Bliss	David P. Holloway	William R. Sapp
Samuel C. Bradshaw	Thomas R. Horton	Harvey D. Scott
Samuel Brenton	Valentine B. Horton	John Sherman
Jacob Broom	Jonas A. Hughston	George A. Simmons
James Buffinton	William H. Kelsey	Francis E. Spinner
James H. Campbell	Rufus H. King	James S. T. Stranahan
Lewis D. Campbell	Chauncey L. Knapp	Mason W. Tappan
Calvin C. Chaffee	Jonathan Knight	James Thorington
Ezra Clark, jr.	Ebenezer Knowlton	Benjamin B. Thurston
Isaiah D. Clawson	James Knox	Lemuel Todd
Schuyler Colfax	John C. Kunkel	Mark Trafton
Linus B. Comins	Benjamin F. Leiter	Job R. Tyson
John Covode	Daniel Mace	William W. Valk
Aaron H. Cragin	Orsamus B. Matteson	Edward Wade
William Cumback	Andrew Z. McCarty	Abram Wakeman
William S. Damrell	Killian Miller	David S. Walbridge
Timothy C. Day	Oscar F. Moore	Henry Waldron
Sidney Dean	Edwin B. Morgan	Cadwalader C. Washburn
John Dick	Justin S. Morrill	Ellihu B. Washburne
Edward Dodd	Richard Mott	Israel Washburn, jr.
George G. Dunn	Matthias H. Nichols	Cooper K. Watson
Nathaniel B. Durfee	Jesse O. Norton	William W. Welch
John R. Edie	Andrew Oliver	Daniel Wells, jr.
Francis S. Edwards	Asa Packer	Thomas R. Whitney
J. Reece Emrie	John M. Parker	John Williams
Thomas T. Flagler	Guy R. Pelton	John M. Wood
Henry M. Fuller	Alex. C. M. Pennington	John Woodruff
Samuel Galloway	John J. Perry	James H. Woodworth.
Joshua R. Giddings	John U. Pettit	

Those who voted in the negative are—

Mr. William Aiken	Mr. Thomas J. D. Fuller	Mr. Edwin G. Reade
William Barksdale	William O. Goode	Charles Ready
Peter H. Bell	Alfred B. Greenwood	James B. Ricaud
Hendley S. Bennett	J. Morrison Harris	William A. Richardson
Thomas S. Bocock	Sampson W. Harris	Thomas Rivers
Thomas F. Bowie	Thomas L. Harris	Thomas Ruffin
William W. Boyce	Philemon T. Herbert	Albert Rust
Lawrence O'B. Branch	Henry W. Hoffman	John M. Sandidge
Henry C. Burnett	George S. Houston	John H. Savage
John Cadwalader	George W. Jones	James L. Seward
John P. Campbell	Luther M. Kennett	Eli S. Shorter
John S. Carlile	Zedekiah Kidwell	Samuel A. Smith
Samuel Caruthers	William A. Lake	William Smith
John S. Caskie	John Letcher	William R. Smith
Howell Cobb	James J. Lindley	William H. Sneed
Williamson R. W. Cobb	John H. Lumpkin	Alexander H. Stephens
Leander M. Cox	Alexander K. Marshall	James A. Stewart
Burton Craige	Humphrey Marshall	Samuel F. Swope
Martin J. Crawford	Samuel S. Marshall	Albert G. Talbott
Elisha D. Cullen	Augustus E. Maxwell	Miles Taylor
Thomas G. Davidson	Fayette McMullin	Robert P. Trippe
H. Winter Davis	Smith Miller	Warner L. Underwood
James W. Denver	John S. Millson	George Vail
James F. Dowdell	Mordecai Oliver	Percy Walker
Henry A. Edmundson	James L. Orr	Hiram Warner
William H. English	George W. Peck	Albert G. Watkins
George Eustis, jr.	John S. Phelps	Warren Winslow
Lemuel D. Evans	Gilchrist Porter	Daniel B. Wright
Charles J. Faulkner	Paulus Powell	John V. Wright
Thomas B. Florence	Richard C. Puryear	Felix K. Zollicoffer.
Nathaniel G. Foster	John A. Quitman	

So the first resolution was agreed to.

Mr. Israel Washburn, jr., moved that the vote just taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The second resolution was then read as follows, viz:

Resolved, That Andrew H. Reeder be admitted to a seat on this floor as a delegate from the Territory of Kansas.

And the question being put, Will the House agree thereto?

It was decided in the negative, { Yeas..... 88
Nays..... 113

The yeas and nays being desired by one-fifth of the members present, Those who voted in the affirmative are—

Mr. Charles J. Albright	Mr. John Covode	Mr. Robert B. Hall
John Allison	Aaron H. Cragin	Aaron Harlan
Lucian Barbour	William Cumback	David P. Holloway
David Barclay	William S. Damrell	Thomas R. Horton
Henry Bennett	Timothy C. Day	Jonas A. Hughston
Samuel P. Benson	Sidney Dean	William H. Kelsey
Charles Billinghamurst	John Dick	Chauncey L. Knapp
Philemon Bliss	Samuel Dickson	Jonathan Knight
Samuel C. Bradshaw	Edward Dodd	Ebenezer Knowlton
Samuel Brenton	Nathaniel B. Durfee	James Knox
James Buffinton	John R. Edie	John C. Kunkel
James H. Campbell	J. Reece Emrie	Benjamin F. Leiter
Calvin C. Chaffee	Thomas T. Flagler	Daniel Mace
Ezra Clark, jr.	Samuel Galloway	Oramus B. Matteson
Isaiah D. Clawson	Joshua R. Giddings	Andrew Z. McCarty
Schuyler Colfax	William A. Gilbert	Killian Miller
Linus B. Comins	Galusha A. Grow	Edwin B. Morgan

Mr. Justin S. Morrill
 Richard Mott
 Matthias H. Nichols
 Jesse O. Norton
 Andrew Oliver
 John M. Parker
 Guy R. Pelton
 John J. Perry
 John U. Pettit
 James Pike
 Benjamin Pringle
 Samuel A. Purviance
 George R. Robbins

Mr. Anthony E. Roberts
 Alvah Sabin
 Russell Sage
 William R. Sapp
 John Sherman
 Francis E. Spinner
 James S. T. Stranahan
 Mason W. Tappan
 James Thorington
 Benjamin B. Thurston
 Lemuel Todd
 Mark Trafton

Mr. Edward Wade
 Abram Wakeman
 David S. Walbridge
 Henry Waldron
 Cadwalader C. Washburn
 Ellihu B. Washburne
 Israel Washburn, jr.
 Cooper K. Watson
 William W. Welch
 John M. Wood
 John Woodruff
 James H. Woodworth.

Those who voted in the negative are—

Mr. William Aiken
 Edward Ball
 William Barksdale
 Peter H. Bell
 Hendley S. Bennett
 Thomas S. Bocock
 Thomas F. Bowie
 William W. Boyce
 Lawrence O'B. Branch
 Jacob Broom
 Henry C. Burnett
 John Cadwalader
 John P. Campbell
 Lewis D. Campbell
 John S. Carlile
 Samuel Caruthers
 John S. Caskie
 Howell Cobb
 Williamson R. W. Cobb
 Leander M. Cox
 Burton Craige
 Martin J. Crawford
 Elisha D. Cullen
 Thomas G. Davidson
 H. Winter Davis
 James W. Denver
 James F. Dowdell
 George G. Dunn
 Henry A. Edmundson
 Francis S. Edwards
 William H. English
 George Eustis, jr.
 Lemuel D. Evans
 Charles J. Faulkner
 Thomas B. Florence
 Nathaniel G. Foster
 Henry M. Fuller
 Thomas J. D. Fuller

Mr. William O. Goode
 Alfred B. Greenwood
 J. Morrison Harris
 Sampson W. Harris
 Thomas L. Harris
 John Scott Harrison
 Solomon G. Haven
 Philemon T. Herbert
 John Hickman
 Henry W. Hoffinan
 Valentine B. Horton
 George S. Houston
 George W. Jones
 Luther M. Kennett
 Zedekiah Kidwell
 Rufus H. King
 William A. Lake
 John Letcher
 James J. Lindley
 John H. Lumpkin
 Alexander K. Marshall
 Humphrey Marshall
 Samuel S. Marshall
 Augustus E. Maxwell
 Fayette McMullin
 Smith Miller
 John S. Millson
 Oscar F. Moore
 Mordecai Oliver
 James L. Orr
 George W. Peck
 Alex. C. M. Pennington
 John S. Phelps
 Gilchrist Porter
 Paulus Powell
 Richard C. Puryear
 John A. Quitman
 Edwin G. Reade

Mr. Charles Ready
 James B. Ricaud
 William A. Richardson
 David Ritchie
 Thomas Rivers
 Thomas Ruffin
 Albert Rust
 John M. Sandidge
 John H. Savage
 Harvey D. Scott
 James L. Seward
 Eli S. Shorter
 George A. Simmons
 Samuel A. Smith
 William Smith
 William R. Smith
 William H. Sneed
 Alexander H. Stephens
 James A. Stewart
 Samuel F. Swope
 Albert G. Talbott
 Miles Taylor
 Robert P. Trippe
 Job R. Tyson
 Warner L. Underwood
 George Vail
 William W. Valk
 Percy Walker
 Hiram Warner
 Albert G. Watkins
 Daniel Wells, jr.
 Thomas R. Whitney
 John Williams
 Warren Winslow
 Daniel B. Wright
 John V. Wright
 Felix K. Zollicoffer.

So the second resolution was disagreed to.

Mr. Orr moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table ; which latter motion was agreed to."

"SEC. 15. *And be it further enacted*, That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations which shall be pending and undetermined in the courts of the Territory of Kansas or of New Mexico, when this act shall take effect, shall remain in said courts where pending, to be

heard, tried, prosecuted, and determined in such courts as though this act had not been passed: *Provided*, nevertheless, that all criminal prosecutions now pending in any of the courts of the Territory of Kansas imputing to any person or persons the crime of treason against the United States and all criminal prosecutions, by information or indictment, against any person or persons for any alleged violation or disregard whatever of what are usually known as the laws of the legislature of Kansas, shall be forthwith dismissed by the courts where such prosecutions may be pending, and every person who may be restrained of his liberty by reason of any of said prosecutions shall be released therefrom without delay. Nor shall there hereafter be instituted any criminal prosecution in any of the courts of the United States, or of said Territory, against any person or persons for any such charge of treason in said Territory prior to the passage of this act, or any violation or disregard of said legislative enactments at any time.

SEC. 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said Territory when this act shall take effect, shall be, and they are hereby, authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Kansas, temporarily, and until they or others shall be duly appointed and qualified to fill their places in the manner herein directed, or until their offices shall be abolished.

Mr. Sneed moved that the bill be laid on the table.

And the question being put,

It was decided in the negative, { Yeas 77
Nays 93

The yeas and nays being desired by one fifth of the members present, Those who voted in the affirmative are—

Mr. William Aiken
William Barksdale
Peter H. Bell
Thomas F. Bowie
Lawrence O'B. Branch
Jacob Broom
Henry C. Burnett
John P. Campbell
John S. Carlile
Samuel Caruthers
John S. Caskie
Howell Cobb
Williamson R. W. Cobb
Leander M. Cox
Burton Craige
Martin J. Crawford
Elisha D. Cullen
Thomas G. Davidson
H. Winter Davis
James W. Deiver
James F. Dowdell
Henry A. Edmundson
William H. English
Charles J. Faulkner
Nathaniel G. Foster
Henry M. Fuller

Mr. Thomas J. D. Fuller
William O. Goode
Alfred B. Greenwood
J. Morrison Harris
Sampson W. Harris
Thomas L. Harris
Henry W. Hoffman
George S. Houston
Joshua H. Jewett
George W. Jones
J. Glancy Jones
Luther M. Kennett
Zedekiah Kidwell
William A. Lake
John H. Lumpkin
Humphrey Marshall
Samuel S. Marshall
Augustus E. Maxwell
Smith Miller
John S. Millson
Asa Packer
George W. Peck
John S. Phelps
Paulus Powell
Richard C. Puryear
John A. Quitman

Mr. Edwin G. Reade
Charles Ready
James B. Ricaud
Thomas Rivers
Thomas Ruffin
John H. Savage
Eli S. Shorter
Samuel A. Smith
William Smith
William H. Sneed
Alexander H. Stephens
James A. Stewart
Samuel F. Swope
Miles Taylor
Robert P. Trippe
Warner L. Underwood
William W. Valk
Percy Walker
Hiram Warner
Albert G. Watkins
Thomas R. Whitney
Warren Winslow
Daniel B. Wright
John V. Wright
Felix K. Zollicoffer.

Those who voted in the negative are—

Mr. Charles J. Albright
 John Allison
 Edward Ball
 Lucian Barbour
 Henry Bennett
 Samuel P. Benson
 James Bishop
 Philemon Bliss
 Samuel C. Bradshaw
 Samuel Brenton
 James Buffington
 James H. Campbell
 Lewis D. Campbell
 Calvin C. Chaffee
 Isaiah D. Clawson
 Schuyler Colfax
 Linus B. Comins
 John Covode
 William Cumback
 William S. Damrell
 Timothy C. Day
 Sidney Dean
 John Dick
 Edward Dodd
 George G. Dunn
 Nathaniel B. Durfee
 John R. Edie
 Francis S. Edwards
 J. Reece Emrie
 Thomas T. Flagler
 Joshua R. Giddings

Mr. William A. Gilbert
 Amos P. Granger
 Galusha A. Grow
 Robert B. Hall
 Aaron Harlan
 John Scott Harrison
 Solomon G. Haven
 David P. Holloway
 Thomas R. Horton
 Valentine B. Horton
 Jonas A. Hughston
 William H. Kelsey
 Rufus H. King
 Chauncey L. Knapp
 Jonathan Knight
 Ebenezer Knowlton
 James Knox
 John C. Kunkel
 Benjamin F. Leiter
 Orsamus B. Matteson
 Andrew Z. McCarty
 Killian Miller
 Oscar F. Moore
 Edwin B. Morgan
 Justin S. Morrill
 Richard Mott
 Matthias H. Nichols
 Jesse O. Norton
 Andrew Oliver
 John M. Parker
 Guy R. Pelton

Mr. John J. Perry
 John U. Pettit
 James Pike
 Benjamin Pringle
 Samuel A. Purviance
 David Ritchie
 Alvah Sabin
 Russell Sage
 William R. Sapp
 John Sherman
 George A. Simmons
 Francis E. Spinner
 Benjamin Stanton
 James S. T. Stranahan
 Mason W. Tappan
 Benjamin B. Thurston
 Lemuel Todd
 Mark Trafton
 Edward Wade
 Abram Wakeman
 David S. Walbridge
 Henry Waldron
 Cadwalader C. Washburn
 Ellihu B. Washburne
 Israel Washburn, jr.
 Cooper K. Watson
 William W. Welch
 Daniel Wells, jr.
 John M. Wood
 John Woodruff
 James H. Woodworth.

So the House refused to lay the bill on the table.

The question then recurred on the amendment of Mr. Dunn ;
 And being put,

It was decided in the affirmative, { Yeas..... 89
 Nays 77

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. Charles J. Albrtghi
 John Allison
 Edward Ball
 Lucian Barbour
 Samuel P. Benson
 James Bishop
 Philemon Bliss
 Samuel C. Bradshaw
 Samuel Brenton
 James Buffington
 James H. Campbell
 Lewis D. Campbell
 Calvin C. Chaffee
 Isaiah D. Clawson
 Schuyler Colfax
 Linus B. Comins
 John Covode
 William Cumback
 William S. Damrell
 Sidney Dean
 John Dick
 Edward Dodd

Mr. George G. Dunn
 Nathaniel B. Durfee
 John R. Edie
 Francis S. Edwards
 J. Reece Emrie
 Thomas T. Flagler
 Joshua R. Giddings
 William A. Gilbert
 Amos P. Granger
 Galusha A. Grow
 Robert B. Hall
 Aaron Harlan
 John Scott Harrison
 Solomon G. Haven
 David P. Holloway
 Thomas R. Horton
 Valentine B. Horton
 Jonas A. Hughston
 William H. Kelsey
 Rufus H. King
 Chauncey L. Knapp
 Jonathan Knight

Mr. Ebenezer Knowlton
 James Knox
 John C. Kunkel
 Orsamus B. Matteson
 Andrew Z. McCarty
 Killian Miller
 Oscar F. Moore
 Edwin B. Morgan
 Justin S. Morrill
 Matthias H. Nichols
 Jesse O. Norton
 Andrew Oliver
 John M. Parker
 Guy R. Pelton
 John J. Perry
 John U. Pettit
 James Pike
 Benjamin Pringle
 Samuel A. Purviance
 David Ritchie
 Alvah Sabin
 Russell Sage

Mr. William R. Sapp
John Sherman
George A. Simmons
Francis E. Spinner
Benjamin Stanton
James S. T. Stranahan
Mrason W. Tappan
Benjamin B. Thurston

Mr. Lemuel Todd
Mark Trafton
Edward Wade
Abram Wakeman
David S. Walbridge
Henry Waldron
Cadwalader C. Washburn
Ellihu B. Washburne

Mr. Israel Washburn, jr.
Cooper K. Watson
William W. Welch
Daniel Wells, jr.
John M. Wood
John Woodruff
James H. Woodworth.

Those who voted in the negative are—

Mr. William Aiken
William Barksdale
Peter H. Bell
Henry Bennett
Thomas F. Bowie
Jacob Broom
Henry C. Burnett
John P. Campbell
John S. Carlile
Samuel Caruthers
John S. Caskie
Howell Cobb
Williamson R. W. Cobb
Leander M. Cox
Burton Craige
Martin J. Crawford
Elisha D. Cullen
Thomas G. Davidson
H. Winter Davis
Timothy C. Day
James W. Denver
James F. Dowdell
Henry A. Edmundson
William H. English
Charles J. Faulkner
Nathaniel G. Foster

Mr. Henry M. Fuller
William O. Goode
Alfred B. Greenwood
J. Morrison Harris
Sampson W. Harris
Thomas L. Harris
Henry W. Hoffman
George S. Houston
Joshua H. Jewett
George W. Jones
Luther M. Kennett
Zedekiah Kidwell
William A. Lake
Benjamin F. Leiter
John H. Lumpkin
Humphrey Marshall
Samuel S. Marshall
Augustus E. Maxwell
Smith Miller
John S. Millson
Asa Packer
George W. Peck
John S. Phelps
Paulus Powell
Richard C. Purvear
John A. Quitman

Mr. Edwin G. Reade
Charles Ready
James B. Ricaud
Thomas Rivers
Thomas Ruffin
John H. Savage
Eli S. Shorter
Samuel A. Smith
William Smith
William H. Sneed
Alexander H. Stephens
James A. Stewart
Samuel F. Swope
Miles Taylor
Robert P. Trippe
Warner L. Underwood
William W. Valk
Percy Walker
Hiram Warner
Albert G. Watkins
Thomas R. Whitney
Warren Winslow
Daniel B. Wright
John V. Wright
Felix K. Zollicoffer.

So the amendment was agreed to.

Mr. Dunn moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table ; which latter motion was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time.

Being engrossed, it was accordingly read the third time.

The question then being on its passage,

Mr. Dunn moved the previous question ; which was seconded and the main question ordered and put, viz : Shall the bill pass ?

And it was decided in the affirmative, { Yeas..... 88
Nays 74

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. Charles J. Albright
John Allison
Edward Ball
Lucian Barbour
Samuel P. Benson
James Bishop
Philemon Bliss
Samuel C. Bradshaw

Mr. Samuel Brenton
James Buffinton
James H. Campbell
Lewis D. Campbell
Calvin C. Chaffee
Isaiah D. Clawson
Schuyler Colfax
Linus B. Comins

Mr. John Covode
William Cumback
William S. Damrell
Sidney Dean
John Dick
Edward Dodd
George G. Dunn
Nathaniel B. Durfee

Mr. John R. Edie
 Francis S. Edwards
 J. Reece Emrie
 Thomas T. Flagler
 Joshua R. Giddings
 William A. Gilbert
 Amos P. Granger
 Galusha A. Grow
 Robert B. Hall
 Aaron Harlan
 John Scott Harrison
 Solomon G. Haven
 David P. Holloway
 Thomas R. Horton
 Valentine B. Horton
 Jonas A. Hughston
 William H. Kelsey
 Rufus H. King
 Chauncey L. Knapp
 Jonathan Knight
 Ebenezer Knowlton
 James Knox

Mr. John C. Kunkel
 Orasmus B. Matteson
 Andrew Z. McCarty
 Killian Miller
 Oscar F. Moore
 Edwin B. Morgan
 Justin S. Morrill
 Matthias H. Nichols
 Jesse O. Norton
 Andrew Oliver
 John M. Parker
 Guy R. Pelton
 John J. Perry
 John U. Pettit
 Benjamin Pringle
 Samuel A. Purviance
 David Ritchie
 Alvah Sabin
 Russell Sage
 William R. Sapp
 John Sherman

Mr. George A. Simmons
 Francis E. Spinner
 Benjamin Stanton
 James S. T. Stranahan
 Mason W. Tappan
 Benjamin B. Thurston
 Lemuel Todd
 Mark Trafton
 Edward Wade
 Abram Wakeman
 David S. Walbridge
 Henry Waldron
 Cadwalader C. Washburn
 Ellihu B. Washburne
 Israel Washburn, jr.
 Cooper K. Watson
 William W. Welch
 Daniel Wells, jr.
 John M. Wood
 John Woodruff
 James H. Woodworth.

Those who voted in the negative are—

Mr. William Aiken
 William Barksdale
 Peter H. Bell
 Thomas F. Bowie
 Fawrence O'B. Branch
 Jacob Broom
 Henry C. Burnett
 John P. Campbell
 John S. Carlile
 Samuel Caruthers
 John S. Caskie
 Howell Cobb
 Williamson R. W. Cobb
 Leander M. Cox
 Burton Craige
 Martin J. Crawford
 Elisha D. Cullen
 Thomas G. Davidson
 H. Winter Davis
 James W. Denver
 James F. Dowdell
 Henry A. Edmundson
 William H. English
 Charles J. Faulkner
 Nathaniel G. Foster

Mr. William O. Goode
 Alfred B. Greenwood
 J. Morrison Harris
 Sampson W. Harris
 Thomas L. Harris
 George S. Houston
 Joshua H. Jewett
 George W. Jones
 J. Glancy Jones
 Luther M. Kennett
 Zedekiah Kidwell
 William A. Lake
 Benjamin F. Leiter
 John H. Lumpkin
 Humphrey Marshall
 Samuel S. Marshall
 Augustus E. Maxwell
 Smith Miller
 John S. Millson
 Asa Packer
 George W. Peck
 John S. Phelps
 Paulus Powell
 Richard C. Puryear
 John A. Quitman

Mr. Edwin G. Reade
 Charles Ready
 James B. Ricaud
 Thomas Rivers
 Thomas Ruffin
 John H. Savage
 Eli S. Shorter
 Samuel A. Smith
 William Smith
 William H. Sneed
 Alexander H. Stephens
 James A. Stewart
 Samuel F. Swope
 Miles Taylor
 Robert P. Trippe
 Warner L. Underwood
 William W. Valk
 Percy Walker
 Hiram Warner
 Albert G. Watkins
 Warren Winslow
 Daniel B. Wright
 John V. Wright
 Felix K. Zollicoffer.

So the bill was passed."

1840





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